

**Report of Electronic Consultation on
Draft European Union Land Policy Guidelines**

**Comparison of Final Guidelines (Nov 2004 version) to
Comments Received through the Consultation**

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Rome, Italy**

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3. Copy of draft guidelines (January 2004 version)
4. Copy of final guidelines (November 2004 version)

A. Introduction

This report provides a summary analysis of comments received through an electronic consultation on the draft Land Policy Guidelines of the European Union (EU). The International Land Coalition voluntarily facilitated this consultation, at the request of the EU, its Member States and the European Commission (EC), with the goal of widening the participatory basis through which the policy guidelines are developed.

In facilitating this consultation, the International Land Coalition contacted nearly 200 organizations and individuals worldwide, including civil-society organizations, intergovernmental agencies, research institutes and individuals with specific experience working on land policy reform. The draft guidelines were provided in English, French and Spanish. This process generated 30 responses, which comprise the basis of this report (see Appendix 1). This report is based on the final version that was submitted to the EU Task Force on 18 March 2004, along with the full version of all submissions that were received.

The EU finalized its land policy guidelines in November 2004. In this paper, the ILC has highlighted the comments and suggestions from the consultation process that were reflected (either in part or in whole) in this final version of the land policy guidelines. It is hoped that this may assist readers, including organizations that contributed recommendations, to identify how the final guidelines were revised and the extent to which these revisions reflect the comments made during the consultation.

The ILC recognizes that participation in electronic consultations is by its nature limited, and undertook this initiative with the recognition that some of our partners, particularly within civil society, would have greater access to the process than others. Only 12 of the submissions were, in fact, from civil-society organizations, although many of the submissions from researchers and other land-related professionals echoed the comments made by civil-society participants.

Nonetheless, we hope that this consultation has increased awareness of the EU's intention to formulate these guidelines, and through this public report can continue to open opportunities for through which civil society can participate in the EU process and give voice to local and national experiences.

B. Background on the Electronic Consultation Process

Timeline. The EU Task Force set the parameters for the consultation's timeline, 16 February to 12 March 2004, based on its own internal processes and deadlines for preparing the draft for submission to the EU Council.

Distribution List. In facilitating this consultation, the Land Coalition contacted approximately 180 organizations and individuals worldwide. Civil-society organizations made up approximately the majority of this distribution list; others on the list included intergovernmental agencies, research institutes and individuals with specific experience working on land policy reform. The list included current Land

Coalition partner organizations and other groups with which the ILC has engaged through its work since 1995. In addition, individuals and organizations included in the consultation were encouraged to forward the invitation and copy of draft guidelines to other groups in their networks.

Languages. The draft guidelines were provided initially in English, the language in which the EU Task Force had drafted the document, with French and Spanish versions provided as soon as translations were available. This translation process shortened the period for consultation to three weeks for French-language participants and 2 ½ weeks for the Spanish-language participants. (The deadline for responses to the Spanish version was extended by five days to 17 March because of delays in the translation process.) Responses were received in English, French and Spanish.

Website and Update Bulletins. The draft guidelines were posted on the ILC website, www.landcoalition.org, in each language as they became available, along with the invitation letter to participate in the consultation. As submissions were received, they were also posted on the site in their original language. Two update bulletins were distributed to all participants, on 2 and 10 March, providing a brief summary of the responses that had been received.

Report to EU Task Force. A final report of the consultation process was submitted to the EU Task Force on 18 March, which included an overview of main comments, and a listing of specific comments to each section of the draft guidelines. This report was posted on the ILC website, and a copy was sent electronically to the organizations and individuals that contributed submissions. An addendum to the specific comments section was submitted to the Task Force on 2 April when ILC was made aware that two submissions received before the deadline had not been included in the 18 March report.

Submissions After Deadline. Submissions that were received after the deadline were forwarded to the EU Task Force electronically, and posted on the website. The specific comments of these submissions were not included in the summary report sent to the EU Task Force on 18 March, but have been incorporated into this final report.

Evaluation. An evaluation form was distributed to those organizations and individuals who contributed submissions, in order to solicit feedback on the process used for the consultation and recommendations for future consultations.

C. Overview of Comments Received

In general, the EU's effort to undertake these Land Policy Guidelines was well received. Comments demonstrated a clear sense that land is a critical cross-cutting issue for national development policy, and that institutions that are involved in development assistance must consider systematically both (a) the ways that land intersects with a range of human development concerns and (b) approaches to address programs, projects and policy development specific to land.

Submissions also encouraged governments to continue to discuss and debate openly policy issues related to land and land reform, at the national, regional and

international levels, and generally considered this policy document as a positive step in this direction. Having undertaken to develop this policy document, the EU is positioned to encourage more coherence and joint action on land issues, with the goal of both influencing policies and increasing resources available for land policy reforms.

The primary focus of comments was on Part 1 (Policy Guidelines). Recommendations were made generally to either include issues or perspectives that are not yet in the draft guidelines, or to increase the emphasis on certain issues that are not yet strongly emphasized. The highlighted paragraphs below show which general comments were reflected, at least in part, in the revisions made to the final guidelines (November 2004 version).

Land and Poverty

- The document stops short of stating that land policy reform should prioritize poverty reduction (or eradication). Combating poverty and hunger should be a central priority of EU development aid. *NB: Final guidelines refer to poverty reduction as one of key priorities for land policy reform, and include additional discussion of links between land reform and poverty, but do not identify poverty reduction as the one central concern of land policy reform.*
- A more thorough analysis of the causes of hunger and poverty in rural areas is needed, with particular attention to the interaction among land policies and access to land, trade and investment, macroeconomic policies and socio-economic policies.
- Providing land without adequate support (institutional, financial, infrastructure, etc.) is on its own not a solution to rural poverty. In addition to access for support services, incentives for productive use of land are an important consideration.
- Even with adequate support services, farming remains a difficult road out of poverty for households in many poor, rural settings.

Land and Human Rights

- The relationship between land and human rights should be affirmed throughout the document (there are already references in many sections), and include references to existing EU and international human rights instruments that provide land and land-related rights. Consideration of human rights issues should be consistent regardless of a country's level of economic development, and human rights standards applied consistently across regions. *NB: Final guidelines refer to the existence of international human rights instruments, although they do not list or note explicitly which these are; and refer to the international acceptance of the right to food.*
- Private property rights should not be treated as the highest order of land-related rights, particularly in cases where actions to guarantee property rights contribute to the violation of other basic human rights for a wide segment of the population. *NB: Final guidelines state that protecting property rights should not result in exclusion from basic needs by members of the population, although does not refer explicitly to this as a human rights violation.*

- Increased attention to the rights and needs of indigenous peoples (as a set of communities distinct from “minority groups”) and other marginalized social groups is needed (e.g., Dalits, bonded farm workers).
- Particularly in the case of indigenous peoples, land policy reform should strengthen the exercise of cultural rights, which include a particular way of life associated with the use of land and natural resources.

Land and Conflict

- Scarcity and population pressure is not the only root of conflict – illegal occupation of resources is another key factor.
- Displacement of communities and forms of rural violence, including actions committed by landowners, should be analyzed as sources of land-related conflict, not only as results of conflict.

Stakeholders and Institutions

- Capacity-building – particularly for local government and civil-society organizations – is needed to ensure that national-level reforms are implemented effectively at the local level.
- Civil-society organizations should not only play an advisory role in policy development and program monitoring, but should be seen as having an active role in the implementation of land policy reform, often as partners of local communities that are asserting their land rights.
- The policy should provide greater mention to the role of farmers and farmers’ organizations in developing land policies, and encourage the capacity-building of farmers’ organizations and their direct involvement as partners in resolving land conflicts.
- Attention should also be given to justice systems, which need to function effectively in order for states to guarantee land rights after land reform.
- Technical assistance should focus on building national expertise rather than on “importing” foreign technical experts. In this regard, universities may be a valuable resource for supporting national land policy reform initiatives.
- International donor agencies should be encouraged to support not only support services, but also land acquisition and distribution and other aspects of land policy reform that are usually more politically sensitive.
- The politics of land policy reform is referred to in the draft but could be given more emphasis. In particular, greater attention could be given to ways in which the political leverage of the poor, particularly at the local level, can be supported in order to reduce poverty that stems from insecure access to land and other resources.

Scope and Application of the Policy Guidelines

- Urban land policy needs, and the range of debate concerning urban land tenure, must be included in these guidelines for the policies discussed to be

truly “national” in scope. Urban dwellers often face insecure tenure and the risk of losing access to their land. Urban-rural migration and its intersection with national land policy should also be reflected.

- Regional dialogues are also taking place on land policy questions, and similar efforts may be underway (e.g., in West Africa) to encourage regional policy guidelines. The EU policy should encourage, and be integrated with, these regional initiatives.
- Clear procedures or mechanisms through which the activities of the EU and its Member States could be held accountable – particularly by the groups and households that are affected by national land policies – to the principles and processes set out in these policy guidelines.
- Linkages to the PRSP process may be desirable, particularly in countries where there are efforts to make this process more pro-poor in nature.
- Attention to language, particularly when discussing issues across regions, is important. The implications of terminologies may change with translation, as different historical uses and understandings of terms have created different interpretations across countries and regions.

There were fewer comments made about the Operational Guidelines (formerly Part 2, now the Annex to the Policy Framework). Several submissions recommended that the operational guidelines not be overly detailed, and should allow for flexibility in developing country-specific approaches to implementing the ideas set out in the policy framework. This suggests a strong need for further consultation on these operational issues, e.g., at the national or regional levels, in developing operational guidelines that best suit specific countries or regions.

General comments on the Operational Guidelines (Part 2) included:

- Discuss the importance of pilot projects, as a way to think together with different actors, and gauge political viability and adaptability to different contexts.
- In assessing existing government policy, more attention should be given to the gap between policy/legislation and practice, and whether existing practices deprive vulnerable groups of access to land, including through lack of state action against third-parties (e.g., land grabbing and illegal appropriation of resources).
- Cooperation may necessarily require cooperation with national governments, but could also involve producers’ organizations, CSOs and local governments. The involvement of these actors is all needed, at any rate, to ensure successful projects translate into broader policy or law.
- Partnerships should be encouraged more broadly among European institutions (beyond only government institutions) and their counterparts in other countries.
- Greater disclosure of relevant information by donors, and the establishment of verifiable benchmarks that would allow for independent monitoring and evaluation of land policy reforms.
- The guidelines should refer more concretely to the kinds of data needed to undertake the analyses described, for the purposes of assessing opportunities and developing potential support to land policy reform.

Some comments noted the limited reach of an electronic consultation, which by its nature excludes those who do not have Internet access, and encouraged additional, face-to-face consultations by the EU and EC in further developing and implementing these policy guidelines, at the international, regional or national levels.

D. Regional and Country Perspectives

Many of the submissions reflected the experiences and lessons of specific regions and countries (and, in some cases, sub-regions within countries). While this report does not attempt to analyze these regional perspectives, it was clear that land policy concerns, potential remedies and the use of terminology vary across regions and within countries. (This can be seen through a reading of the submissions, in the Annex to this report.) This observation again suggests that implementation of these policy guidelines would be benefited from additional consultation at the regional and national levels.

E. Process-Related Comments

The consultation submissions, along with participants' responses to the evaluation questionnaire, also provided comments related to the electronic consultation process and EU policy process. These included:

- The timeframe for participation in the consultation was too short. In particular, this limited the possibility of involving members of CSO networks in the process, which would have increased the level of direct input from the community level.
- There was difficulty reported in accessing the consultation documents electronically, particularly among groups that have limited Internet access.
- There was insufficient background information on how the draft guidelines were developed, or what their application would be. Lack of clarity in how these submissions would be used may have deterred some civil-society organizations from taking part in the process.
- Face-to-face consultations would have been preferred to an electronic consultation, both because they would allow for broader participation – particularly by farmers' and landless organizations – and for a more genuine discussion among participants. Nonetheless an electronic consultation was preferable to no consultation at all.

F. Specific Comments by Section

This section presents the specific comments made to each section of the draft policy guidelines. This list seeks to be comprehensive in including the many comments that are of relevance to EU policy makers and that are based on direct experiences with communities affected by land policies. It is intended to indicate both the general thrust of comments made to specific sections, as well as recommendations for changes and additions, including specific wording changes in some cases.

For this report, many comments listed here were translated from their original language, edited or abridged. The reference numbers in brackets indicate which submission is the source of each comment, so that full comments can be read in their original language. In cases in which extensive language was recommended for addition to the policy guidelines, this is also indicated to readers, who can refer to the submission in Appendix 1 for the full text of the recommended addition. Comments and recommendations that were reflected in the final guidelines are highlighted.

Part One: Policy Framework

Section 1: Introduction

Preface The footnote in the preface says that under land, the broad range of natural resources is included, such as trees and water. Placing these resources within the rights-based approach of the document is welcomed, as would be the point that there is increasing pressure in developing countries from donors or otherwise to privatise water and other resources. [A-20]

1 Land is a social issue as well as an economic issue – social development should receive emphasis, not only economic development. [A-5]
Land and agrarian reform is crucial to the realization of the human right to adequate food. [See A-7 for detailed list of international human rights instruments and forums at which states and intergovernmental organizations have made this commitment.]

One basis of Europe's own economic and social development has been the principle of food security and support to small- and medium-scale farmers. It would be good if the policy document references this in the introduction. [A-13]

Land reform is an economic process and, therefore, land policy should be based largely on improvement of productivity through appropriate land use and management and thereby to reduce poverty. [A-15]

The introduction or preface should refer to the importance of historical, geographic, sociological and humanitarian issues, as the basis of land policies. [A-17]

1.1 Land issues are also of crucial importance to democratization and gender relations. [A-7]

1.2 It is good also to remember that there are other significant land reform cases that occurred well before the 1960s (e.g., France, Russia, Mexico, China, Taiwan, South Korea). [A-13] *See revised 1.3*

Because of the political character and complexities inherent in these cases, donors have stopped their involvement in redistributive land measures. It is important to also consider demographic changes, especially growth and migration, in developing land policy. [A-26]

1.4 The connection between access to rural land and migration to urban areas should be highlighted more effectively. [A-13]

In discussing land policy, we must consider land issues in urban areas as well, including land and informal neighborhoods, basic services, territorial information systems and urban planning and management. Otherwise, this will be an agrarian approach to land policy rather than a true national land policy. [A-18]

Section 2: What is Land Policy and Why Does it Matter?

- 2.1.1 Land constitutes an asset and a source of wealth for communities, as well as families and individuals. [A-7] *See revised 2.1.2*
- 2.1.3 It is important to cite the source of this definition. [A-26]
- 2.1.4 This section should recognize that that there may often be a great distance between laws and practice. [A-13] *See revised 2.1.6*
- 2.2 While agreeing with this section, the most important point is missing, i.e. that land reform is essential for empowering people living in poverty and that, without land reform, hunger will continue to persist. [A-20] *See revised 2.2.4. NB: Final guidelines refer to land policy reform as one essential step, among other reforms, to empower the poor and promote equitable and sustainable development.*
- Include reference to gender and HIV/AIDS among critical policy linkages, as they are particularly critical for sub-Saharan Africa. [A-22] *See revised 3.3*
- Merge the section on importance of land policy with that on links between land and other major policy areas. [A-24]
- 2.2.2 The promotion of intensive farming for export, the liberalization of agricultural imports, and the government's withdrawal of the provision of rural extension services and support to production have resulted in land re-concentration processes and in exclusion and/or deprivation of the most marginalized groups of access to productive resources such as land, loans, etc. Increase emphasis is needed here on dispossession of land that has occurred because of these processes. [A-7] *See revised 2.2.3*
- Note on Spanish translation of draft (ILC version): reads "unobserved market forces" ("*fuerzas de Mercado no observadas*") instead of "unchecked market forces" as in English version. [A-13]
- 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. [A-27]
- 2.2.3 Protection of marginal groups should refer specifically to indigenous peoples, Dalits (now a word used globally to refer to oppressed people) and women. [A-5]
- Primary attention must be given to the fact that 80 percent of the poor suffering from hunger live in rural areas. It is imperative that land policy reform focuses on the rural poor. A relatively equitable, small farmer-based rural economy provides the basis for strong national economic development. This could, in addition, slow down rural-urban migrations that lead to unmanageable cities. [A-7] *See revised 3.4.1. NB: final guidelines refer to agricultural policy that supports family farming and farmers' organizations as a way of reconciling goals of growth, equity and poverty reduction.*
- 2.2.4 Land policy reform should be seen as a key means of implementing the right to food. In addition, guaranteeing access to land and security of land tenure will strengthen movements struggling for gender equality, citizenship and democratization, and support the respect of cultural rights and environmental sustainability. [See A-7 for detailed language of new points recommended.] Here there are two issues mixed together: land policy and agrarian reform. Agrarian reform is a specific action, of relatively short duration, to correct

market imperfections, whereas land policy is broader and includes agrarian reform as one of many themes. For example, avoiding land concentration is part of land policy rather than agrarian reform. [A-13]

The text ought to mention more clearly the argument that small- and medium-scale farming is more efficient than large-scale. [A-13]

Section 3: Links Between Land and Other Major Policy Areas?

- 3 There should be a specific sub-section in Section 3 concerning land policy and gender equality. Land policy reform should be considered an essential means of overcoming gender inequality. Land policy reform should ensure women full and equal access to and control over land, including the right to inherit and own land, and other productive resources. [See A-7 for additional language.]
See revised 3.3
- 3.0.1 Reference should be to poverty eradication, not reduction. Land tenure also has a strong link to human rights. [A-7] *NB: Final guidelines refer to the right to food and links between this, other basic human rights and access to land.*
- 3.1 Include reference to UN-HABITAT as having the UN-system mandate for urban land issues. [A-2]
Emphasis should be on poverty eradication, not reduction. The land-poor make up the majority of the rural poor and hungry, and it is in rural areas where the worst poverty and hunger are found. The problem is twofold: First, the security in access to land is often threatened by a weak legal protection, inadequate tenant regulation, forced evictions, land grabbing etc. Second, landless people have no option to produce their own food or create their own income. In the case of both these problems, the state has legal obligations to fulfil the right to adequate food. [See A-7 for detailed language and new paragraphs recommended for addition to this section.] *See revised 3.1.1*
- 3.1.1 It is noted that farmers are pushed off land; it should be added that this happens equally in urban slums. [A-2]
There is not enough discussion of the links between access to land and poverty. In particular, there are two areas that need further analysis: (a) optimizing the use of resources to eradicate hunger and (b) consequences on poverty from price reductions caused by global markets. [A-19]
Concerning “improvement in accessibility of land markets,” experiences from around the world show that land markets do not necessarily contribute to eradicating poverty, and often powerful people or businesses with capital that manage to dominate land markets and exclude others to enter the market. If there is no intervention in the market to prevent this from happening, improving access to land markets does not have any impact on poverty reduction, but rather lead to the contrary, as experiences in Brazil and in the Philippines have shown. [A-20]
The existence of a direct link between the access right and the user is not the major problem. Observations prove that indirect access could confer some stability and is most of time step in gaining full access for landless peoples. This is the case of what are commonly known as “derived rights”, “secondary rights” or “delegated rights.” [B-2]
- 3.1.2 In order to make this understanding feasible, mechanisms and tools are needed. [A-21]
Specify that legislation hands control over “land and other natural resources” [A-24]

- 3.2 Revise focus of the section to reflect: “land policy, human rights, citizenship and social justice.” Land rights are backed by different sources of international human rights law, including the ICESCR, UNDHR, ICCPR, CEDAW, and ILO Convention No. 169. Even though there is no direct human right to land, the right to land can be derived from several other human rights recognised in international covenants, particularly the ICESCR. The right to adequate food thus requires governments to use all available resources to progressively create access to productive resources and is, hence, directly requesting the creation, protection and security of access to land. [See A-7 for detailed language, particularly concerning human rights instruments that refer specifically to land and/or the right to food, and new paragraphs recommended for addition to this section.] *See revised 3.2.1. NB: Final guidelines state that access to land is a means to achieving fundamental rights as defined by international covenants, though do not refer to access to land as a human right itself.*
- It is good that this section refers to squatters; it should encourage consideration about the criteria and mechanisms to allow squatters to obtain recognized rights. [A-14]
- 3.2.2 This is particularly the case for developing countries. [A-24]
- 3.2.3 Include Dalits on this list. [A-5]
- 3.2.4 Be careful in the approach to ensuring collective rights. Inflexibility in allowing for exit from communal land arrangements (e.g., types of co-property) may be harmful to indigenous communities in the long-term. [A-18]
- 3.3 Much research has shown that gains made from a land reform program are at risk when macroeconomic policies of a government are overly reliant on large scale and intensive farming, because of squeezing out small farmers and institutional neglect in terms of credit, access to markets and technical assistance. Without access to capital, small farmers cannot access new technologies needed to compete with large scale farmers. [A-20] *See revised 3.4.1*
- 3.3.2 Land is not the only limiting factor, but is the foremost limiting factor and should thus be addressed first, before attending to access to other productive inputs. [A-13]
- There is a need to work in parallel on the tenure issues and other mechanisms allowing an increasing of productivity. [A-21]
- 3.3.3 This section strikes a good balance in discussing land titling [A-3]
- Customary land is often not recognized by bureaucracies, and should thus be put on the books as well. [A-5]
- Without active local participation, titling can be counterproductive, and lead to a re-concentration of land in the hands of the few. [A-13]
- 3.3.4 Add that there is also a need for small-scale farm owners to have access to title ownership. [A-24]
- 3.4 Scarcity is not the only root of conflict – illegal occupation of resources is another key factor. Displacement of communities should be analyzed as a source of land-related conflict. [A-5] *See revised 3.4.1*
- Most of the East, Central and Northern African states are in a situation of armed conflict which ultimately renders people landless as they are forced to stay in camps, such as in the case of northern Uganda. The question is when they get back, who will have occupied their land, for instance where most of the family members have been killed. The policy needs to be clear on how

land of such a nature is taken care of until the situation normalizes. [A-12]
See revised 3.5.3

This section about land conflicts seems to imply that land related conflicts mainly stem from the growth of population and its pressure on the land, from scarcity of resources and from war. This may be correct in some Asian countries; however, countries like Brazil, South Africa, and Zimbabwe do not suffer from a scarcity of land or over-population, but nevertheless some of the most violent rural land related conflicts have happened there. The document should focus more on the nature of rural violence by powerful landowners in countries with high inequality in access to land, as this will also have implications for land reform policy. [A-20]

Land conflicts in Easter Africa and Horn of Africa are closely linked to pastoral issues which arise out of scarce resources and increased competition, resulting in cross-border conflicts and loss of life. Traditional and cultural dispute resolution mechanisms should be explored. [A-22]

3.4.2 Clarification: In Central America, only Costa Rica has a land tribunal, not Honduras. [A-13] *See revised 3.5.3*

Governance is not simply conflict resolution; it also involved management of rights and policy formulation and implementation at different levels. [A-19]

3.4.3 It also may be useful to refer also to unsuccessful attempts in post-conflict contexts, such as in Nicaragua. [A-13]

Nepal is now another vivid case of addressing land policy in a conflict environment. [A-15]

3.5 Customary law can also be protective of elites, unfair toward women and minorities, and a source of inefficiency. [A-3] *See revised 3.6.3*

Add section here to emphasize the link between land policy and regional integration. [A-6]

Give emphasis to the importance of the independent press, particularly for the purpose of exposing corruption. [A-6]

3.5.1 Conflict is also particularly likely to occur when outside investment forces the eviction of poor households from their land. [A-7] *See revised 3.5.1*

3.5.2 Judiciary systems often have a poor understanding of the rights of vulnerable groups. [A-7]

3.5.3 Reconstruction efforts should also address *destitution* of indigenous peoples and other rural groups impoverished by racial and ethnic discrimination. [A-7]

3.5.4 Old administrative language is too often still used – the policy document should emphasize the use of standard international measures, e.g., square meters or square feet, in order for public to understand it. [A-5]
Though it is desirable that the judicial system be "effective, accessible and sensitive," it may be exaggerated to state that without it, the agrarian reform cannot exist. The real key to agrarian reform is achieving a substantial improvement in the lives for a majority of poor rural families impoverished, while at the same time improving lives for the rest of society. There are links between rural and urban development that ought to be demonstrated, such that urban residents ought to feel that they too benefit from agrarian reform. Less hunger in rural areas, for instance, means less pressure on cities, greater socio-political stability, greater food provisions and more security for those in cities. [A-13]

3.6 Include mention of cost recovery, which is key issue for local governments in urban areas. [A-2]

- Land policy must include a say from the local governments. [A-5] *See revised 3.7.1*
- 3.6.2 Refer here to the principle of subsidiarity. [A-13] *See revised 3.7.2*
 A decentralised approach brings land issues closer to local stakeholders, but, as land policy essentially is linked to macro-economic policies and political choices, the structure of policy making should be located in national governments. [A-20]
- 3.6.5 The enjoyment of basic civic and political rights, including freedom of expression, freedom of assembly and a free mass media, are instrumental in supporting land policy reform. [A-7]
- 3.7.1 **Discussing land tax presents an opportunity also to address the effects of both tax and land use.** The establishment of taxes implies the recognition of societal rights to land, in addition to private property rights. [A-19] *See revised 3.8.3*
- 3.8 Environmental degradation is a major issue and it is important to highlight who is destroying the forest – often it is the state. This should not be assumed to be the result of indigenous land use policies. [A-5]
 Equity concerns should be carefully taken in to account before introducing land taxes. **Land taxes should be understood as means to promote the social and environmental function of land by discouraging undesirable use of land, non-utilization of land and by preventing land speculation.** [A-7] *See revised 3.8.3*
 Clarify the definition of “use rights.” [A-22]
- 3.8.1 This is particularly important with respect to management of water, which is a basic human need. [A-13]
 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. [A-27]
 Experience shows that African governments may have legislation in place but it is far removed from practice. [A-22]
- 3.9 It is important to put an end to the concept of absolute individual property rights, which is unfortunately used too often to justify land policy actions against the common good. [A-18]
 Clarify who defines the public interest and for whom, as well as parameters for “fair and prompt” compensation. [A-22]
 It is important to appreciate the role of tenure and sovereignty over land in developing land use policies. [A-22]
- 3.9.1 Proposed additional sentence, to allow methods in addition to expropriation, particularly in urban areas: “In order to improve and develop the neighbouring properties of the land affected by public interest, where possible, it is recommended to use different instruments like land consolidation and land readjustment.” [A-8]
 Before discussing compensation, it is necessary to verify historical land claims to ensure that fraudulent claims are not compensated, as has been a real challenge in Brazil. [A-13]
- 3.10.1 **Land use planning should be undertaken in such a way that administrative, legislative and judicial procedures guarantee that there is no resettlement without adequate rehabilitation and compensation.** [A-7] *See revised 3.10.6*

Section 4: Elements of a Land Reform Programme

- 4 In discussing land reform, a clearer distinction should be made between former Eastern bloc countries and developing countries. [A-17]
Agrarian reform should also include changes in labor relations. [A-18]
- 4.1 Frequently a “shared agreement” with principal stakeholders is very difficult, if not impossible, to reach where interests are so opposed, as in land distribution and management. As in South Africa, pro-poor land policy reform involves political choices which rarely will please all of the most important parties involved. Where there have been attempts to reach such “agreement” between powerful and poor groups the outcome has generally not been poverty reduction, e.g., the willing-buying, willing-seller clause that has contributed to the lack of progress on the agrarian reform process in South Africa. [A-20]
- 4.2 Land reform programmes may also include: strengthening women’s, small farmers’, pastoralists’ and indigenous peoples’ land rights; and consolidation and sustainability of secure land tenure. [A-7]
This statement concerning broad trends is not correct: while there exists a dominant discourse concerning land reform processes, the experiences of developing countries shows that the trends discussed here are not necessarily universally experienced. [A-19]
A rights-based approach that emphasizes women’s property rights can help to realize secure tenure for women and address poverty issues. [A-22]
- 4.3 Effective monitoring is needed for land redistribution or rehabilitation packages. [A-5]
Observation from Zambia that it can also be conversion of private land to state land that creates serious unequal land distribution. In addition, land reform may also include re-registration or re-titling. [A-11]
There is a confusion in the Spanish version between land and property rights (the distinction is much clearer in the English version). [A-19]
Include also: juridical assistance, access to credit and cash grants, technical assistance, participation, and education and dissemination. [A-21]
- 4.4 Good sensitivity to diversity of contexts and options for land reform [A-3]
- 4.5 In addition to being affordable and sustainable, these choices must give security to the rights of farmers, because this is one of the key objectives of land reform. [A-26]
- 4.6 Comments on the regional breakdown chart:
Include in “major issues and trends” that in Africa the majority of urban residents already live in slums. [A-2]
Recognize that market-based approaches in Latin America have failed; state-led approaches are needed. Other concerns for Asia include: exploitative tenancy arrangements, unresolved indigenous rights claims to land, and conflicts between titling and common-property methods of regulating land access. [A-7]
Include also Western Europe on this chart – states that are EU members, and that have very interesting agrarian histories and significant land management challenges – along with the US, Canada and Australia, for a full global perspective. There are challenges faced not just by poor countries, but by all countries. [A-13, B-5]
The table is too moderate concerning actions needed (e.g., the need to revive agrarian reform policies), though it include important elements. For Central

and Eastern Europe, there are important successes and problems that have been resolved, e.g., the installation of young farmers, to which the guidelines should refer. [A-19]

Add to the chart, for Latin America, that re-concentration is a challenge. [A-21]
The table mentions (in connection with Latin America) that "Limits to market assisted land reform mean new approaches needed." This statement suggests the importance of *developing and testing* new approaches. It would be appropriate to have a section on this. [A-23]

Additions to the Africa sections of table: (1) major issues – add “strong customary legacy and colonial administration”; in W. Africa, delete “where very limited white settlement” (2) actions – provide greater security to poor and vulnerable groups. [A-24]

Attention should be given to this point regarding “white settlement” in West Africa because this is virtually non-existent. [A-26]

In the regional comparison table, “very low % of land subject to title” is included among major trends in Africa. It is important to precise that this observation is related to rural lands. [B-2]

Section 5: Central Issues for the Design of Land Policy and Land Reforms

5.1.1 Clarify for the reader, what is the significance of improved agricultural productivity, and what forms of production are most efficient. [A-13]

5.1.2 There are examples also of inefficient common-property regimes, e.g., in northern Ethiopia, where they do act as barriers to agricultural intensification and many community members have chosen to privatize land. [A-3] *See revised 5.1.3*

Access to land ownership is also a barrier for agricultural productivity and investment in some West African countries, e.g., Burkina Faso. [A-24]

5.2 In discussing land administration practices, it is worthwhile to refer to the new paradigm of the *Federación Internacional de Geometras*, in its *Catastro 2014* document, which presents a conceptualization of cadastral work based not on parcels but on legal territorial objects (i.e., pieces of land on which a type of right or restriction is exercised). [A-18]

Please note that pastorals do not recognize borders but rather the need to access resources that is important for the survival of their animals and not other users. [A-22]

5.3 In urban areas, the key problem with titling is downgrading after titling occurs. [A-2]

It is correct that titling is not always the solution; the European Court has more than once ruled that national law and titling requirements do not conform to human rights law. [A-4]

5.3.1 This point should be clarified, because inside of the OHADA only the land title is considered a guarantee for credit by the bank. [A-26]

5.3.2 The theme of maintaining a cadastre is truly one of the great challenges in land policy. While mixed solutions can be tested, the key role of the state must be defined. [A-18]

The example of Benin could be included, because of its experimental plan. [A-26]

5.3.3 Programs of land titling and the facilitation of land markets in the wrong macroeconomic policy environments, those which undercut the economic

- viability of small farmers, can induce mass sell-offs of land, causing increased landlessness, land concentration and rural-urban migration. [A-7]
- 5.3.4 The main challenge is to ensure that titling is done well, at an acceptable cost, and above all to ensure that it does not result in a re-concentration of property. [A-13]
Mauritania is another example of where documents are brought to local authorities, and also established legal systems, for validation. [A-24]
- 5.4 Land administration section should focus on securing land rights for an equitable and sustainable land management. [A-7] *See revised 5.4.3*
- 5.4.2 There is little analysis to the impacts of cadastral processes. In many cases, it is known that cadastral work is needed, but there is no thought given to the type of cadastral system that is needed for the given country or place. [A-18]
- 5.4.3 In particular, complex legal procedures can create opportunities for corruption. [A-24] *See revised 5.4.2*
- 5.4.4 Maps are instruments of governing, so governance should be mentioned here. [A-19]
While GIS can be a powerful tool, it should not only be placed in hands of technicians, but also be available to farmers at low cost (see the attached experiences from Nicaragua) so that it can also serve as an instrument for the transfer of resource management to the community level. [A-21]
Participatory mapping is also important 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. [A-27]
- 5.5 Discussion of land rental markets should give careful attention to the conditions and regulations that would be necessary to allow poor people and women to benefit from land rental markets and to avoid landlords' exploitation of tenants. [A-7]
Land policy should also consider leasing land such as hills leasehold forestry in Nepal, which essentially has designated the poor to land use, manage and reap the economic benefit. Land policy, however, should consider support services (awareness, consultation, technical services and delivery of other services) for agriculture development. [A-15]
- 5.5.1 This point calls attention to the need for mechanisms that protect the poor against distress sales. [A-13]
- 5.5.2 To facilitate access to land through rental markets, because of cultural characteristics, there is a need to promote renting through an educational campaign. [A-21]
- 5.5.3 There is no mention of the effects that limitations on lease terms have on investment and productivity – terms need to be longer than the time required to bring a return on investments to the land. [A-3] *See revised 5.5.2*
- 5.6 All countries that carried out a greater degree of land redistribution in the past undertook state-led policy reforms. While they are critical for land redistribution, state-led reforms have also had major problems like discrimination against women, lack of technical and administrative capacity, contradictory and incomplete legislation, insecure land rights, etc. New approaches to address these problems are needed. [See A-7 for detailed language concerning state-led and market-led redistribution.]

- 5.6.1 The basic problem is not a polarization of rights, but of highly unequal access. [A-13]
This section would be improved if it were developed further – discussion of agrarian reform, taxes, regulation of land markets, etc. [A-19]
The problem is more than just productivity, it is also food security. [A-21]
- 5.6.2 Use capital- and management-related terms, e.g., “family-farm” rather than small / medium / large holders – it is more functionally useful. [A-3]
It may not necessarily mean that redistributing land from a few to many small to medium-sized holders would increase productivity if such a process is accompanied by proper support for the new land holders. This would largely depend on how this whole process of redistribution is handled or implemented. [A-11]
This paragraph makes fundamental points that justify this document and need to be stated much earlier. More than just support services, adequate agricultural policies should be discussed as a way of supporting small farmers. [A-19]
- 5.6.4 Land redistribution should preferably be undertaken within the agricultural frontier and should respect the rights of indigenous peoples to their ancestral territories. [A-7]
In cases where there is truly great inequality in access to land, it is not possible to correct through market mechanisms. Examples: Brazil, South Africa or Guatemala. Agrarian reform is needed before market mechanisms can be considered. [A-13]
The points in this section are interesting but very vague, and too cautious – they should be made more clearly. [A-19]
- 5.7 Land policy should take into account that it is closely related to the realization of human rights of vulnerable groups. Since land policy is an essential means to combat poverty and hunger, land policy should be part of a broader national strategy concerning the realization of the right to food. [See A-7 for detailed language.]
- 5.7.3 Include the importance of harmonizing various sectoral policies that touch on land to avoid fragmentation and contradictions in policies. [A-11]
- 5.7.5 While there may be gaps between laws and local practices, the document should not raise doubts to the need for good, consistent laws as part of land policy reform. [A-4]
Of all laws, the laws related to land show the least compliance, according to Olivier Delahaye (Venezuela). [A-18]
- 5.7.7 When discussing technology, refer to “functionality” as well as cost – new technologies need to perform genuinely useful functions. [A-3] *NB: Final guidelines refer to accessibility, effective use and level of capacities needed, as well as costs.*
- 5.7.10 Dissemination of information should not only concern the scope and content of the reform, but also on the existing policy and legal provisions. In the Zambian land reform process, serious information gaps between the technocrats spearheading the reform process and the ordinary people are observed, in terms of what prevails as regards land delivery in the country. [A-11]
- 5.7.11 Gender issue need a careful approach [A-5]
Deliberate policy provisions such as increasing access of land by women should also provide for support mechanisms to ensure their successful

implementation i.e. providing necessary financial, information, loans, credit facilities etc to women to enable them access, control and utilize land meaningfully. This section should also highlight how women are disadvantaged in terms of access, ownership and control over land. [A-11]

5.7.12 Incorporate Tribals, Dalits and other marginalized groups. [A-5]

Section 6: Implementing Land Policies: the Role of Different Stakeholders

6 Include reference to the role of customary leaders. [A-11]

6.0.3 Again, there is confusion between agrarian reform and land policies. It is good to see the relationship stated between poverty and land policy, but this could be made more explicitly in the document. [A-19]

6.1 There are many key ministerial institutions related to land reform, in addition to justice ministries. [A-17]

6.1.1 States are duty-bound to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law. For this purpose States have to design adequate policies, take necessary legislative measures and set up judicial remedies. Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing. [A-7]

The paper sees the government as the main player in the area of agrarian reform. While the State plays one of the biggest roles, in cases such as the Philippines, civil society needs to exert pressure on government for reform to move forward. Often the government (e.g., Congress and the Executive), is controlled by the landed, and tends to resist the implementation of reform programs. [A-12]

The protection of property rights should not be a priority in cases in which this same protection serves to violate the basic human rights of the majority of the population. This is why agrarian reform should address property rights needs, while post-reform policies should consider the interaction between property rights (to land) and all other related rights. [A-13] *See revised 6.1.1. NB: Final guidelines state that protection of property rights should not result in exclusion from basic needs.*

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. [A-27]

6.1.3 Combating hunger and poverty is more than a moral duty or a policy choice; it is a human rights obligation. [A-7]

Include landless poor and vulnerable groups along with smallholders. [A-24]

6.1.4 Specify local government is a partner to other stakeholders. [A-24]

6.2 Highlight the role of civil society, particularly to ensure transparent public processes. [A-11]

Indigenous people, NGOs and local and multinational businesses sometimes seem to be considered as in the same group of non-state stakeholders, despite their very different interests and powers. Organisations and movements of poor landless and land insecure people should be considered as primary stakeholders in policy development and implementation, and extra efforts

(including resources) should be dedicated towards ensuring their participation, in order to ensure that land reform brings about poverty reduction. [A-20]

- 6.2.1 Include mention of both legislative and administrative rulemaking – either process may provide opportunities for change, so both should be given attention. [A-3]
Important to underline the role of stakeholders, particularly farmers’ organizations, in the policy process, so as not to seem as if only the state plays a role. [A-9]
Who are the “experts” referred to here? It is unclear whether this refers to professional consultants or also CSOs with links to, and experience working with, actual community stakeholders. [A-12]
Refer also to those who are rent-seeking [A-24]
- 6.2.3 Civil society and the private sector may have an important role in implementing government policy, in addition to monitoring and reviewing policy. [A-11] *See revised 6.2.6*
The "advantaged class" in the issue of agrarian reform should not be allowed to "capture" the process. However, reform initiatives should be explicit in proclaiming that the reform is being made to correct social injustices in favor of groups. As such, implementation should not result in policies or programs that disadvantage the intended beneficiaries, or favour the existing elite. [A-12]
Civil society should have a role also in implementation, not only policy development and monitoring. [A-13] *See revised 6.2.6*
- 6.2.4 Include a small chapter on “Role of Farmers’ Organisations” to describe how farmers in an organised manner can contribute to the land reform process, to influence the policy in order to obtain rights to farm and also to monitor. [A-9]
- 6.3 One major issue regarding donor support for agrarian reform has been refusal to provide funding for land acquisition, and the tendency to focus on support service delivery and other less contentious areas. While help is needed in the areas of support services delivery and productivity issues – and in fact more assistance in these areas is needed – the lack of funds for actual land acquisition in countries such as the Philippines has been one of the major stumbling blocks to the implementation of the land reform program. The lack of external support in this area has also made the problem more glaring. Congress has effectively found a way to undermine the implementation of the program by controlling the budget of the Department of Agrarian Reform [A-12]
- 6.3.1 Other past experience shows that donor support for land policy reform must: comply with human rights standards; avoid the imposition of certain policies as is currently done by multilateral donors; provide for accountability, e.g., through disclosure and establishing verifiable benchmarks; and be based on research and problem analysis that directly involves or is conducted by stakeholders, and particularly vulnerable and dispossessed groups. [See A-7 for detailed language.]
Add: “Capacity building programmes for farmers’ organisations. Farmers groups are the best representatives in formulation of land policy and land reforms. Farmers are instrumental to success of land reform programmes” [A-9]
It is agreed that donors should play a cautious role [A-24]

It should be made clear if this point means to states that titling and land information systems are not really “technical, neutral and universal,” although some may believe that they are. [A-27]

- 6.3.2 The EU should consider strongly focusing on land and poverty eradication, land and gender equality and land and sustainability; avoiding the implementation of unilaterally imposed policies; and developing initiatives around land and gender inequality, land and human rights. [A-7]
- The EU’s role on designing and the enforcement of land policy in developing countries needs to be elaborated to work in coalition with a network group, which can easily pressurize the government’s activities, institutional development and planning. [A-15]
- Often, international assistance implies a very high cost and the use of complex techniques that are not necessarily adaptable, even in the long term, to the local context (e.g., land registration). [A-17]
- The experiences of Europe with relation to land policies should be developed further. [A-19]

Include multilateral institutions among engagement and coordination; and include IFAD with FAO and UNDP among UN system agencies referred to here. Comparative advantage, as well as expertise and country presence, could be basis for collaboration. EU support to monitoring and evaluation should take a view to making land reform policies a dynamic process. [A-24]

Add the following commitment to this section: “Favouring a fair macro-economic situation in international affairs which can establish a positive atmosphere for successful land reforms for e.g. reduce incentives for Western agriculture, stop encouraging market-driven cash crops monoculture; all situations that are systematically “killing” the small peasantry in developing world.” [B-2]

Part Two: Operational Guidelines

Section 1: Situational Analysis

- 1.1 Add: Identification of the most vulnerable groups like landless, near-landless, tenants, tenure insecure groups, etc. What are the main problems these groups face? What are the demands of these groups? [A-7]
- 1.2 Where land is held out of use by the elite, the wealthy or hereditary tradition, only way to alleviate the resulting poverty is to collect annual land rent, whether or not the land is used. Charges on buildings and improvements, on the other hand, should be made distinct, as they are counter-productive to investment in land. [A-1]
- Add: Trends in land tenure related to trade, rural development and investment policies. [A-7]
- Social analysis should identify the extent of: forced evictions, causes and responsible actors; land grabbing and illegal appropriation of natural resources; landlessness, degree of landownership concentration; and degree of idle land. It should also examine the situation of land tenants, including indentured tenants, indigenous peoples, pastoralists and women. Land conflicts and persecution of social movements should also be assessed. [A-7]
- NB: Final guidelines refer to this section as analysis of “equity, social justice and poverty.”*

It is possible to distinguish between land management (macroeconomic sector) and land administration (microeconomic sector). Environmental terms should be linked with land management. [A-14]

- 1.3 Include the costs of agrarian debt. [A-13]

Section 2: Policy, Legislation and Institutional Framework

- 2.1 Add: What impacts have these interventions had on vulnerable groups? [A-7]
Include also in the check-list the need of assessing the “Regional and Sub-regional Contexts” governing land tenure issues. [B-2]
- 2.3 Add: How have these changes affected vulnerable groups and gender equality? How far have policy measures been able to combat hunger and poverty and to improve gender equality and environmental sustainability? [A-7]
The structured process of land reform should also take into account the composition of the commission of enquiry. The commission of enquiry should be able to represent various interest groups as much as possible for the sake of ownership of the land reform process by various stakeholders. [A-11]
Include poverty alleviation [A-24]
Clarify the links between HIV/AIDS and land policy, for readers who are unfamiliar. [A-25]
- 2.4 Are there contradictions between land policies and other policies? [A-7]
- 2.5 Assessing the framework on social and political rights should include asking: Do government policies or actions destroy existing access to land of vulnerable groups? Does government protect vulnerable groups of being deprived of their access to land by third parties (male relatives, companies, landlords, etc.)? Does government give access to land to the landless? [A-7]
See revised 2.6
Include language on farmers’ organizations as partners in resolving land conflicts. [A-9] *See revised 2.6*
- 2.8 Are customary or traditional processes non-discriminatory? [A-7] *See revised 2.9*
- 2.9 Is government using the maximum available resources for implementing land policies related to human rights obligations? [A-7]

Section 3: Opportunities for Changes in Land Policy

- 3.1 *Ongoing reform processes* - Is the reform process aimed at strengthening access to and control over land of the most vulnerable groups? **Have clear objectives been defined?** [A-7]
Political factors - Is the reform process aimed at strengthening access to and control over land of the most vulnerable groups? Have clear objectives been defined? What are bottlenecks in terms of other commitments that governments have made (e.g., foreign debt, IFI conditionality)? [A-7]
Donor support – What have been experiences of affected groups with IFI-driven programs? [A-7]
Include IFAD among the international actors listed here. [A-24]

Section 4: Adequacy, Affordability and Sustainability of Land Interventions

- 4.1 Do not only analyze the costs of reforms, also analyze the costs of not undertaking them. Benefits should also be considered, not only costs. [A-13]

- 4.2 Focus on vulnerable groups among intended beneficiaries. How can government find the resources needed to ensure land redistribution? What is the extent of land tax evasion? [A-7]
Add in this section questions that can assess the country banking system pro-reactivity to tenure issues, e.g., “Do the banks accept the land title as collateral for lending? What type of lending is involved in such operation: short-term crop financing, longer-term investment?” [B-2]
- 4.3 Add: Do redistribution land agencies have adequate capacity in terms of well-trained staff, resources, etc.? If not, what remedial action is being taken by government? Do monitoring agencies and judiciary bodies dealing with resolution of land conflicts have adequate capacity and independence? Are staff members well acquainted with the land rights of the poor and human rights law? [A-7]
- 4.4 Add: Will the land policy reform effectively rule out forced evictions? Is the land policy reform sufficient to effectively protect the land rights of vulnerable groups from attack by third parties? If not, what complementary measures are needed? Will the land policy reform stop land grabbing and illegal appropriation of natural resources? Are complementary measures needed? What benchmarks have been set for land redistribution? What kinds of policies have been implemented for land redistribution? To what extent the reform process allows to overcome landlessness? [See A-7 for additional language concerning Social Impact.]
Include assessment of the impact of land policy on other vulnerable groups, and landless people. [A-24]

Section 5: Defining a Response Strategy and a Set of Interventions

- 5.1 Key features for donor engagement should also include: compliance with human rights standards; avoiding the imposition of policies, but instead developing programs and approaches that are appropriate to the local social and institutional context; and accompanying implementation with research and encouraging feedback and debate of emerging issues. [A-7]
Donors should not only have dialogue with the state but also include other stakeholders. [A-27]
- 5.2 Land valuation should be conducted frequently enough such that valuations do not become out of date. [A-1]
Publicly managed lands, e.g., national parks, should be non-contributory, as they are public goods and provide benefits to the whole community. Amounts from poor or low-value agricultural land are likely to be very small and could be waived; but exceptions to land tax on other grounds should not be allowed, particularly for those in privileged positions. [A-1]
Security of tenure must be given to users whose activities stimulate economic activity. [A-1]
Support work with judiciary to address the human-rights aspects of land, including staff training and support for legal assistance for marginalized groups. [A-7]
Exclude the tasks of land redistribution and resettlement, restitution, privatisation, resolution of land disputes and land conflicts and institutional development from this fourth bullet-point (land administration) and introduce a new point called “Land Management”. [See A-8 for proposed language]

Research and analysis should be designed to impact on the livelihoods of poor people. [A-24]

- 5.4 In the social impact section, 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. [A-27]

Section 6: Monitoring and Evaluation

6 The Gini coefficient could also be included as an indicator of the equity of land distribution. [A-13]

Other land access indicators include: degree of land redistribution; number of landless and near landless; level of protection for tenants. For all indicators, disclosure and the use of benchmarks by donors will be necessary for independent monitoring and verification. [A-7]

The transaction cost is another indicator, in relation with the ability of poor to pay. The impact on the local or foreign investment decisions is also a good indicator of faith. [A-14]

Include among these options: improving knowledge through research and analysis, because past experiences may not adequately inform current challenges. However, the emphasis should be on “community-centered” research and analysis. [A-27]

- 6.2 Other indicators include: consolidation of land tenure; viability of small farmers; prevalence of forced evictions, land grabbing and illegal appropriation of resources; degree of impunity. [A-7]

Comments on the Selected Bibliography

The bibliography does not reflect the variety of sources which obviously inspired the authors. EU is not “reinventing the wheel” in the land tenure domain, why not therefore quote major research findings that operated conceptual changes in African land tenure understanding? The same remark is also valid for referenced country experiences, which all lack bibliographic precisions. [B-2]

Additional readings that were suggested to be included in the bibliography:

Michel Merlet : <http://www.alliance21.org/fr/proposals/summaries/foncier.htm> [A-13]

Joseph Comby : <http://perso.wanadoo.fr/joseph.comby/> [A-13]

Un doit inviolable et sacré, la propriété, Association des Etudes Foncières [A-18]

Politiques foncières et reformes agraires, Michel Merlet, IRAM-APM [A-18]

Tesauro plurilingue de Tierras, FAO-SDAA [A-18]

Hernando de Soto, *The Mystery of Capital* [A-24]

Lavigne Delville, P, Toulmin, C, Colin, J.P, Chauveau, J.P, 2001, Securing secondary rights to land in West Africa, London, IIED, Issue Paper 107, P. 4. (available online at http://www.iied.org/docs/drylands/dry_ip107eng.pdf) [B-2]

Edja, H, 2000, Droits délégués d'accès à la terre et aux ressources naturelles dans le sud du Bénin, GRTE/IIED, 99 p. [B-2]

Appendix 1: List of Consultation Submissions

Number	Name	Organization	Country
A-1	Francis Smith	Land Research Trust	UK
A-2	Clarissa Augustinus	UN-HABITAT	Kenya
A-3	M. Wray Witten		UK
A-4	Theo van Banning		Costa Rica
A-5	VB Rawat	Social Development Foundation	India
A-6	Mahamane Dédéou Toure	CILLS	Burkina Faso
A-7	Sofía Monsalve Suárez	FIAN International	Germany
A-8	Branimir Majcica	Technical University of Munich	Germany
A-9	Johannes Østergaard	Danish Agricultural Council	Denmark
A-10	MA Keyzer	Centre for World Food Studies	Netherlands
	BGJS Sonneveld	Centre for World Food Studies	Netherlands
A-11	ZLA staff	Zambia Land Alliance	Zambia
A-12	Ernie Lim	People's Campaign for Agrarian Reform Network (AR Now!)	Philippines
A-13	Denis Pommier	Asistente Técnico Seguridad Alimentaria y Desarrollo Rural en la delegación de la Unión Europea	Nicaragua
A-14	Claire Galpin	Consultant	France
A-15	Bharat Shrestha	Mobilization and Development (MODE)	Nepal
A-16	Muhammed Kamal Uddin	Association for Realisation of Basic Needs (ARBAN)	Bangladesh
A-17	Jacques Gastaldi	Fédération Internationale pour les Etudes Foncières (FIEF)	France
A-18	Jean-Roch Lebeau	Consultant	Guatemala
A-19	Michel Merlet	IRAM	France
A-20	Guillermo Rogel	War on Want	UK
	Lies Craynest	War on Want	UK
A-21	Jairo Paizano	Acción Contra el Hambre	Nicaragua
	Sylvanie Jardinot	Acción Contra el Hambre	Nicaragua
	Daniel Chillon	ACTED	Nicaragua
	Noemi Gonda	CODER	Nicaragua
	Andre Prince	Veterinario Sin Frontera	Nicaragua
A-22	Lorna Juliet Amutojo	Uganda Land Alliance	Uganda
A-23	Raul Hopkins	International Fund for Agricultural Development (IFAD)	Italy
A-24	Hamed Haidara	IFAD	Italy
A-25	IFAD staff	IFAD	Italy
A-26	Lucien A. Deguenon	Cour Suprême du Bénin	Bénin
A-27	ILC Secretariat	International Land Coalition	Italy
A-28	Marta G. Rivera Ferre	Veterinarios sin Fronteras	Spain
B-1	Ruth Suarez	Researcher	Columbia
B-2	Koffi Alinon	Cnocerted Research Centre on Development (DRCD)	Togo
B-3	Muhammed Kamal Uddin	ARBAN	Bangladesh
B-4	Monique Munting	Consultant	Belgium