Community-focused land governance:
experiences and recommendations
of the Community of Portuguese
Language Countries (CPLP)
Peasants’ Platform
This paper is part of the wider research project: Family Farming and People-Centred Land Governance: Exploring Linkages, Sharing Experiences and Identifying Policy Gaps, coordinated by Silvia Forno, Luca Miggiano and Michael Taylor.

We would like to thank three anonymous peer-reviewers for providing feedback.
Community-focused land governance:

experiences and recommendations of the Community of Portuguese Language Countries (CPLP) Peasants’ Platform

September 2014

ACTUAR - Cooperation and Development Association
Information on the authors

ACTUAR is a non-profit-making Portuguese association, founded in 2007 with the objective of helping to promote development, especially in rural areas, while privileging the most marginalised groups such as small producers and women. Its main area of intervention is the Lusophone rural world, where it fights to protect and promote human rights, contributing to a more just and more humane world that eliminates all forms of social exclusion and inequality and that guarantees basic rights for everyone, including the human right to adequate food, which is enabled by access to and control over land and other natural resources. Further information is available at: http://www.actuar-acd.org

The Community of Portuguese Language Countries (CPLP) Peasants’ Platform is a coordination space for organisations representing family farmers from Portuguese-speaking countries (Angola, Brazil, Cape Verde, Guinea-Bissau, Mozambique, Portugal, and São Tomé and Príncipe). It unites more than 20 million peasants and rural workers with the aim of influencing the political agenda for family farming, food sovereignty, and the human right to adequate food. The members of the Platform are: Angola: UNACA – Angola National Peasants Union; Cape Verde: PONG – Cape Verde NGO Platform; Mozambique: UNAC – Mozambique National Peasants Union; Guinea-Bissau: KAFO – Peasants Federation of Guinea-Bissau; and São Tomé and Príncipe: FENAPA – Federation of Peasant Associations of São Tomé and Príncipe. Further information is available at: http://www.pccplp.com

Joana Rocha Dias (coordinator) has an M.Phil. in Social Sciences from the Rural Federal University of Rio de Janeiro and a Licentiate Degree in Company Organisation and Management from the Economics Faculty of the University of Coimbra. She is currently completing her doctoral thesis on Innovation, Knowledge and Governance at the Centre of Social Studies of the Economic Faculty of the University of Coimbra. Her main research interests are themes related to traditional knowledge and biodiversity, mechanisms for regulating access to and use of natural resources, and rural development. Through the Portuguese NGO ACTUAR, she coordinates the Civil Society Network for Food and Nutritional Security at the CPLP and is secretary of the CPLP Peasants’ Platform.

This work was sponsored by the International Land Coalition (ILC) under a wider initiative on family farming and people-centred land governance. Opinions expressed in this document are those of the author organisations alone, and can in no way be taken to reflect the official views of ILC.
Abstract

This action research project analyses how contemporary legal and institutional frameworks promote or hinder effective people- and community-centred land governance, including how they relate to and/or integrate with other regulatory frameworks and political and social coordination mechanisms linked to farming, the environment, and food and nutritional security in general.

Based on a people- and community-centred methodological approach, the study identifies some of the shortfalls and potential solutions for improving access to secure and equitable control of land in Portuguese-speaking African countries. It analyses the interconnections between family farming and the human right to adequate food and land governance, and the incorporation of the principles underlying the three international and regional instruments relating to land – the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT, 2012); the African Union Framework and Guidelines on Land Policy (ALPFG, 2009); and the Food and Nutrition Security Strategy of the Community of Portuguese Language Countries (ESAN-CPLP, 2011) – within the national legal and institutional contexts of Portuguese-speaking African countries.

The CPLP Peasants’ Platform recognises the central role of family farming as a primary supplier to local markets and especially as both a guaranteed source of subsistence for producers’ families and a mechanism for sustainable management and usage of natural resources and traditional knowledge, protecting the rural landscape and the natural and cultural heritage of local communities. Consequently the Platform argues that the strengthening of land governance, based on people and communities, requires the enhancement of government food and nutritional security bodies both at national level (already approved in Brazil and Cape Verde and previewed in several other countries) and at the regional level of the CPLP via the Regional Food and Nutritional Security Council (CONSAN-CPLP). It also requires increased training of peasant organisations and of members of different sectoral government bodies on the main international agreements signed by member states and by the Community of Portuguese Language Countries itself.
## List of acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>AfDB</td>
<td>African Development Bank</td>
</tr>
<tr>
<td>ALPFG</td>
<td>African Union Land Policy Framework and Guidelines</td>
</tr>
<tr>
<td>AU</td>
<td>African Union</td>
</tr>
<tr>
<td>ECA</td>
<td>United Nations Economic Commission for Africa</td>
</tr>
<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of all forms of Discrimination against Women</td>
</tr>
<tr>
<td>CFS</td>
<td>Committee on World Food Security</td>
</tr>
<tr>
<td>CONSAN-CPLP</td>
<td>CPLP Regional Council for Food and Nutritional Security</td>
</tr>
<tr>
<td>CPLP</td>
<td>Community of Portuguese Language Countries</td>
</tr>
<tr>
<td>CSO</td>
<td>Civil society organisation</td>
</tr>
<tr>
<td>ESAN-CPLP</td>
<td>CPLP Food and Nutritional Security Strategy</td>
</tr>
<tr>
<td>FNS</td>
<td>Food and nutritional security</td>
</tr>
<tr>
<td>FF-WG</td>
<td>CONSAN-CPLP Family Farming Working Group</td>
</tr>
<tr>
<td>GDP</td>
<td>Gross domestic product</td>
</tr>
<tr>
<td>IAASTD</td>
<td>International Assessment of Agricultural Knowledge, Science and Technology for Development</td>
</tr>
<tr>
<td>ICARRD</td>
<td>International Conference on Agrarian Reform and Rural Development</td>
</tr>
<tr>
<td>ICESCR</td>
<td>International Covenant on Economic, Social and Cultural Rights</td>
</tr>
<tr>
<td>IFPRI</td>
<td>International Food Policy Research Institute</td>
</tr>
<tr>
<td>ILC</td>
<td>International Land Coalition</td>
</tr>
<tr>
<td>LGAF</td>
<td>Land Governance Assessment Framework</td>
</tr>
<tr>
<td>PALOP</td>
<td>African Country of Portuguese Official Language</td>
</tr>
<tr>
<td>PC-CPLP</td>
<td>CPLP Peasants’ Platform</td>
</tr>
<tr>
<td>RAI</td>
<td>Principles for Responsible Agricultural Investment that Respects Rights, Livelihoods and Resources</td>
</tr>
<tr>
<td>SETSAN</td>
<td>Technical Office of Food and Nutritional Security</td>
</tr>
</tbody>
</table>
# Contents

*Executive summary* 9  
*Introduction* 11  
*Objectives and methodology* 13  
*Family farming, the right to adequate food, and land governance* 15  
*International institutional framework* 19  
*Regional institutional framework* 21  
  *African Union Land Policy Framework and Guidelines* 21  
  *Food and Nutritional Security Strategy of the Community of Portuguese-Language Countries* 22  
*Incorporation of international and regional guidelines and strategies* 25  
*Conclusions and recommendations* 31  
*Bibliography* 34  

## Annexes

*Questions sent to national partners for their feedback* 36  
*ILC Antigua Declaration* 38  
*CPLP Civil Society Declaration* 43
Executive summary

With rural populations that account for between 35% and 70% of their total populations (FAO, 2013), the African Countries of Portuguese Official Language (Países Africanos de Língua Oficial Portuguesa – PALOP) are home to almost 50 million people (FAO, 2013). In most PALOP countries, family farmers make up near to 90% of the agricultural sector (Sarmento, 2013). Also notable is the primary role performed by women: they guarantee the food security of families and are the main agricultural producers in most developing countries, including nations like Angola, Mozambique, and São Tomé and Príncipe, where they comprise the majority of the workforce in the sector (Sarmento, 2013). Recognising their rights to access and have control over land and other natural resources is therefore a crucial element in overcoming poverty and food insecurity. This aim involves the development and implementation of adequate national legislation, for which support is available from various international instruments that recognise the importance of responsible land governance for food and nutritional security. The CPLP Peasants’ Platform sees family farmers and producers as essential actors in the effort to achieve food security. This means that they should be at the centre of processes of conceiving, negotiating, implementing, and evaluating public policies designed to ensure the right to adequate food.

Despite the participation of family farmers and small producers in food production in most PALOP countries, the area effectively owned by them is small: around 8% in Mozambique, 6% in Cape Verde, and 16% in Guinea-Bissau (Sarmento, 2013), illustrating the high levels of land concentration that persist in these countries. This action research project seeks to analyse the extent to which contemporary legal and institutional frameworks promote or hinder an effective people- and community-centred form of land governance, which recognises and values the role of family farmers. This means analysing their relation and/or integration with other regulatory frameworks and social and political coordination mechanisms linked to agriculture, the environment, and more generally food and nutritional security. To this end, a participatory methodological approach was used, which actively involved the national peasant federations from the CPLP Peasants’ Platform, specifically from the Portuguese-speaking African countries.

The countries analysed here face major challenges in land management and access, both in the regulation and application of laws and in the dissemination of legislation and the training of all the actors involved (both from governments – for instance, government technicians – and civil society). Most of these countries still have models of national governance of food and nutritional security in which the land issue is included, with low levels of inter-sectoral (and very often intra-sectoral) coordination and no participation by family producers, which increases the likelihood of public policies being appropriated by other actors and reduces their efficacy.

Faced by these challenges, in 2012 the CPLP Council of Ministers and the Summit of Heads of State and Government approved the CPLP Food and Nutritional Security Strategy (ESAN-CPLP), which recognises the central importance of access to natural resources (e.g. access to land, strengthening research into local seed varieties and their conservation) in the effective promotion of family farming.
At regional level, ESAN-CPLP created the CPLP Regional Food and Nutritional Security Council (CONSAN-CPLP), a ministerial and multi-actor platform set up to coordinate policies and programmes developed in the area of food and nutritional security and to advise the Conference of CPLP Heads of State and Government on these issues. Replicating this process at national level, the CPLP countries committed themselves to creating national spaces for the inter-sectoral coordination of public policies for farming and food security, enabling the formal participation of family farmers in coordinating policies, legislation, and action programmes.

Despite the concrete steps taken by CPLP member states, particularly those in Africa, the implementation of existing policies and programmes is still fragile and has proved insufficient due to the current institutional limitations (human, technical, and physical); these impose significant constraints on a government’s ability to comply with the laws, projects, and programmes already in force (ACTUAR, in press).

The economic and social changes under way in some of these countries (particularly in Angola and Mozambique), current political conflicts (Guinea-Bissau), and greater vulnerability to changes in the global food system (Cape Verde and São Tomé and Príncipe) are creating an institutional environment distinct from that observed over recent decades and may accelerate the need to strengthen multi-actor spaces for political coordination as a forum for implementing agreed commitments and responding to potential conflicts. Bigger opportunities may open up, therefore, for increasing public investments in farming, supporting the multi-functional roles of small farmers (CFS/HLPE, 2013), and thereby contributing to attaining adequate levels of food and nutritional security as a means of reducing poverty and inequality (ACTUAR, 2010).

The CPLP Peasants’ Platform recognises the central role of family farming as a primary supplier to local markets and especially as both a guaranteed source of subsistence for the families of producers themselves and as a mechanism for the sustainable management and use of natural resources and related traditional knowledge, protecting the rural landscape and the natural and cultural heritage of local communities. It argues that strengthening governance is a crucial step towards promoting greater involvement of family farmers in demanding specific policies that ensure the full exercise of their rights and contribute to the construction of social identity and the organisation of cultural life. To this end, it is essential to safeguard the inter-relations between family farming, the implementation of the right to adequate food, and governance systems that enable and/or reinforce coordination and social participation.
Introduction

The African Countries of Portuguese Official Language (PALOP) are home to almost 50 million inhabitants (FAO, 2013). They suffer from high levels of malnutrition: in Angola the figure is 24.4%, Mozambique 36.8%, Guinea-Bissau 10.1%, Cape Verde 9.6%, and São Tomé and Príncipe 7.2% (FAO/CFS, 2012). With rural populations that vary between 35% and 70% of total population from country to country (FAO, 2013), family farmers and small producers account for the majority of agricultural production (Sarmento, 2013).

Also notable is the primary role of women, who ensure the food security of their families and are the main agricultural producers in most developing countries, including Portuguese-speaking African countries (such as Angola, Mozambique, and São Tomé and Príncipe), where they comprise the majority of the workforce in agriculture (Sarmento, 2013). Estimates suggest that women account for 60–80% of the workforce in developing countries, although evidence from recent research and statistics fails to back this generic claim. Even so, it is certain that farming is the most important source of employment for women in rural areas and that women do comprise more than 60% of the agricultural workforce in some countries (FAO, 2011), frequently working for much lower wages than men, and in seasonal or part-time jobs. In the case of the PALOP countries, the percentage of economically active women who work in agriculture, fishing, hunting, or harvesting forest resources in some cases reaches levels in excess of 90%, as in Guinea-Bissau and Mozambique (FAO, 2011). Recognising women’s rights to access and control land and other natural resources represents a crucial element, therefore, in overcoming poverty and food insecurity.

This aim involves the development and implementation of adequate national legislation, which has support from various international instruments or mechanisms that recognise the importance of responsible land governance for food and nutritional security. These include the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT) and the African Union Land Policy Framework and Guidelines (ALPFG).

Despite current international benchmarks in this area, the regulatory and institutional frameworks for land tenure in most PALOP countries still allow the marginalisation of family farmers, against a background of gradually increasing levels of pressure and private interest from corporations (domestic and foreign) for the control of land and other natural and productive resources linked to value chains in the food system.

1 See http://faostat3.fao.org/
3 The figures are: Mozambique 94%, Guinea-Bissau 94.4%, Angola 80.6%, São Tomé and Príncipe 69.6%, and Cape Verde 16.9% (FAO, 2011). In Mozambique, for example, family farming, particularly subsistence farming, is traditionally seen as women’s work: men may clear the land and help with the harvest, but women’s tasks include sowing, planting, weeding, and irrigating the crops. Despite this, only 20% of women have more than 2 hectares of land. Moreover, 65% of families headed by women occupy less than 1.5 hectares, compared with 47% of families headed by men (FAO Gender and Land Rights Database. See http://www.fao.org/gender/landrights/home/report/en/)
In Mozambique, the pressure on land began some years ago and civil society organisations (CSOs) have become embroiled in a permanent struggle for the right to access land (for example in Manhiça, in the south of the country, sugar cane crops have taken over areas previously used for food production by local families; similarly, in the north of the country millions of hectares have been handed over to foreign private interests). In Angola there have been new land demarcations that prevent traditional populations from accessing lands traditionally used for food cropping and/or pasture (in the south of the country there are fears that land may become dominated by cereal crops; ethanol production, still in a pilot phase, is at present concentrated in the central region and has yet to occupy community lands). In São Tomé and Príncipe, a country that implemented an ambitious agrarian reform programme in the 1990s, serious problems surfaced during the processes of demarcation and registration; the public services involved are poorly equipped and have financial and human resource deficits, a situation that is also seen in other countries.

Indeed, the challenges faced in implementing the current regulatory and legislative frameworks are evident in these countries due to the limited size and resources of the official services responsible for this area. Given this reality, the choice of a particular model of governance can either facilitate or complicate its implementation.

This action research project looks to analyse how contemporary legal and institutional frameworks promote or hinder effective people- and community-centred land governance that recognises and values the role of family farmers. This also means analysing their relation and/or integration with other regulatory frameworks and mechanisms for political and social coordination linked to farming, the environment, and more generally to food and nutritional security.

Based on a people- and community-centred methodological approach, this action research identifies some of the shortfalls and potential solutions for improving access to secure and equitable control of land in PALOP countries.
Objectives and methodology

The central objective of this research is to contribute to reinforcing the approach to land governance centred on people and communities by improving the capacities of the CPLP Peasants’ Platform to intensify its advocacy work and lobbying of the CPLP Regional Council for Food and Nutritional Security (CONSAN-CPLP). ⁴

To achieve these objectives, a participatory methodology was used, which actively involved the national peasant federations from the CPLP Peasants’ Platform, specifically the Portuguese-speaking African countries, as described below.

During the Second Meeting of the CPLP Peasants’ Platform, organised by ACTUAR, which took place in April 2014 in Lisbon, Portugal, the national peasant federations discussed the format of the study to be undertaken and agreed to contribute through data collection at national level.

Preliminary data and a first version of this action research project were shared before and during the Third Meeting of the CPLP Peasants’ Platform, which was held on 26 May 2014, prior to the First Meeting of the CONSAN-CPLP Family Farming Working Group (FF-WG), in Brasilia, Brazil. The Platform took part in and actively contributed to this meeting, specifically in discussing the terms of reference for the study of family farming in CPLP countries, the importance of recognising family farmers in CPLP countries, and the definition, implementation, and monitoring of public policies for the promotion of family farming, such as inclusive and equitable land policies based on a people- and community-centred approach.

The responses of national members to the circulated topics were returned after a number of delays, which arose from the strongly participatory nature of the processes taking place in the run-up to the involvement of the national peasant federations in the second session of CONSAN-CPLP, initially planned for July 2014, ⁵ as part of the agenda of the 10th Summit of CPLP Heads of State and Government (a process defined in CONSAN-CPLP’s statutes, so that the results of the meeting can be submitted for approval by the Heads of State and Government). Despite these delays in receiving feedback, the results of this action research project were validated by national peasant federations from the Lusophone African countries belonging to the CPLP Peasants’ Platform, making it a truly participatory and inclusive process.

---

⁴ The CPLP Food and Nutritional Security Council (CONSAN-CPLP) is a ministerial and multi-actor platform set up to coordinate the policies and programmes developed in the area of food and nutritional security (FNS) and to advise the Conference of the CPLP Heads of State and Government concerning FNS in the Community. CONSAN-CPLP’s objective is to promote inter-sectorality and social participation in the coordination of policies, legislation, and action programmes for FNS. The different CPLP countries have equal weighting within CONSAN-CPLP.

⁵ The ordinary session of CONSAN-CPLP was cancelled at the start of July 2014. An extraordinary meeting is expected to take place in October or November 2014 (date to be confirmed).
ACTUAR and the CPLP Peasants’ Platform will use the results of this action research project – alongside family farmers, artisanal fishing communities, and traditional communities – to build and share knowledge and experiences relating to land rights and their interconnections with small-scale production and their recognition in the CPLP’s African member countries. This sharing of knowledge and experiences will be used to strengthen the capacities of peasant organisations to engage in dialogue with political decision-makers, in particular in the FF-WG and CONSAN-CPLP. Rather than being an ambitious academic text, this document is intended to serve the needs of the CPLP’s Peasants’ Platform as well as those of each individual national federation belonging to the Platform and their respective peasant populations.
Family farming, the right to adequate food, and land governance

The CFS/HLPE Report (2013) estimates that 70% of the approximately 1.4 billion people living in extreme poverty in the world live in rural areas, and that most of them depend partially or wholly on farming. Data from FAO (2014) suggests that globally there are more than 500 million family farms (whose activities are managed and performed by a family members and rely mainly on family labour) and, in many regions, family farmers are the main producers of the food consumed daily. In the PALOP countries, family farming is the predominant form of agriculture, following the global trend.\(^6\) Data from Sarmento (2013) indicates that the percentage of farm properties worked by family farmers in these countries rises to levels close to 90% on average (98% in Mozambique, 100% in São Tomé and Príncipe, 89% in Cape Verde, 88% in Guinea-Bissau). Similarly, family farmers dominate livestock farming and traditional fishing, particularly in Cape Verde, Guinea-Bissau, and Mozambique (ACTUAR, in press). Although the contribution of family farmers and small producers is generally large in the PALOP countries, the area effectively owned by them is small: around 8% in Mozambique, 6% in Cape Verde, and 16% in Guinea-Bissau (Sarmento, 2013), illustrating the high levels of land concentration that still persist in these territories.

“Family farmer” is a diverse category that includes smallholder producers, forestry producers, small-scale fisher folk, fish farmers, extractivists, and so on. The vast majority of these producers are statistically classified as “small agricultural producers” in some African countries or as “peasants” in most of Africa. This reflects an apparent contradiction between the importance of such producers and the role currently reserved for them in the global economic development of African countries (balance of payments and agricultural trade, taxes, multiplier effects on products), local economies (multiplier effects of employment and income), families (own consumption, poverty prevention, and social protection), and food and nutritional security.

Broadly speaking, a family farmer is someone who manages and operates an organised means of agricultural, forestry, fishing, pastoral, or fish farm production that is primarily dependent on family labour. Given that farming structures in the different PALOP countries vary widely (especially in relation to the availability of land and infrastructure and the relation of these to biodiversity and the environment), the category of family farmer must inevitably be (re)conceived in terms of the specificities of each country, taking into account

\(^6\) Data presented by ActionAid 2013 suggests that family farming is responsible for around 80% of world production and 75% of food producers.
the social relations of production, such as relations of tenure, use, and production, including on community lands (ACTUR, in press). This re-conception of family farmers would mean, among other things: i) seeking to define who they are and identifying their greatest needs; ii) promoting their empowerment and increased social participation; iii) supporting models of territorial development based on increased productivity and more sustainable agricultural production (and not on the intensive use of inputs).

By itself, an increase in social participation would probably be insufficient to remove family farmers from the subordinate position imposed on them by political systems in which they as a group have never held any decision-making power (at least in the countries covered by this study). However, ensuring social participation will help to respond effectively to some of the priorities facing peasants in PALOP countries, such as access to and control over land and other natural resources, access to services and markets (minimum conditions for producing and obtaining food and/or income), and issues related to health, education, malnutrition, and hunger (Baptista, 2013).

Mobilisation in pursuit of a set of clearly inter-sectoral social rights may well hold possibilities for a broad and innovative social alliance in the context of the current transition in African politics. If the “end of peasants” (Mendras, 1992) in these countries is not imminent, their participation in the spaces planned for the coordination of public policies for agriculture and food security in the CPLP countries – namely the Food and Nutritional Security Councils, already approved in Brazil and Cape Verde and previewed in several other countries – could enable a broader and more solid base for their survival. This possibility may depend on the capacity to generate and disseminate formal and informal knowledge to allow the negotiation and implementation of policies and programmes underlying the wider concept of “food security”. Inter- and intra-sectoral coordination is still weak in most of the countries in question. The same applies to the participation of family farmers, which needs to be promoted in order to enable interconnections to be cultivated with other essential areas, including initiatives related to education and access to natural resources, services, and credit.

There is little discussion in existing literature of the institutional construction of governance mechanisms. Some authors do refer to some of the conditions needed to ensure this capacity (such as a high-quality education system, access to information, spaces for public debate and technical-political dialogue, and so on), among them Beland (2006), Busenberg (2000), and Sabatier and Jenkins-Smith (1999). Reading this material, it could be concluded that the African countries concerned are very far from possessing these conditions and are thus some way from being able to produce alternative models. But gradations exist in this field: the opening of spaces for public debate has already begun in most of the countries in question.

What limits the occupation of new spaces is, in part, the historical level of development in the production, organisation, and political representation of groups relevant to these discussions (family farmers, for instance). This suggests the importance of identifying and solving – or at least controlling – the biggest problems linked to collective action. As various authors have remarked, including North (2005) and Ostrom (2005), these problems play a fundamental role in issues such as poverty, access to resources, and indeed food security.
In fact, networks, trust, the norms of reciprocity, and various institutional rules are just some of the mechanisms that can be used to increase levels of cooperation between potential actors, keeping transaction costs low and boosting the capacity to gradually implement changes that help break down the rigid systems generated by previous socio-political contexts. In other words, while a greater homogeneity of actors involved in political dialogue in African CPLP countries has reinforced earlier forms of normative consensus, the future adaptive capacity of these systems of governance also appears to be linked to the deep tension existing between the need for institutional stability and the changes generated in the context of the recent process of development in these countries, where competition for natural resources is increasing.

Family farmers and producers are undoubtedly fundamental elements in achieving food security (Altieri, 2009), which is why the CPLP Peasants' Platform believes that they must be placed at the centre of processes of conceiving, negotiating, implementing, and evaluating public policies designed to ensure the right to adequate food. The interconnection between achieving this right and land policies has been recognised for years and has increasingly been integrated into a variety of international instruments. In fact, as the Voluntary Guidelines to Support the Progressive Realisation of the Right to Adequate Food in the Context of National Food Security (Part 2–4.8) recognise, this right is seriously jeopardised when tenure rights are not guaranteed. The right to adequate food depends, therefore, on a transparent and accountable regulatory framework for fair and equitable access to land and other natural resources, given that its multidimensional nature requires the implementation of a holistic approach that includes various political dimensions, such as natural resource management, investment in farming, and trade policy. As the UN Special Rapporteur on the right to food, Olivier De Schutter (2009), emphasises, the inability of global governance to curb the fragmentation of the initiatives under way is the main reason behind the failure to eradicate hunger and vulnerability.

The Voluntary Guidelines to Support the Progressive Realisation of the Right to Adequate Food continue to be a benchmark in recognising the importance of social participation in ensuring access to land and the need to establish adequate mechanisms for its governance in which social participation constitutes a fundamental element. Other relevant guidelines exist, but rather than cite these verbatim, what matters is that they stress the importance of the social participation of family farmers, in particular in the cases under study. From a pragmatic point of view, indeed, this participation brings a number of benefits, including an increase in the efficacy and efficiency of public land policies, as well as a reduction in the transaction costs involved in their implementation.

7 The Guidelines include the following proposed courses of action: i) adopt measures enabling members of vulnerable groups to obtain access to economic opportunities and resources that allow them to participate fully and on an equal footing in the economy; ii) pay special attention to the specific access problems of women and vulnerable, marginalised groups; iii) design and implement programmes that include different mechanisms for access to and appropriate use of agricultural lands, targeted at the poorest populations; iv) promote the access of small and medium-sized farmers to the results of studies that promote food security; v) study the possibility of establishing legal mechanisms and other policy mechanisms in line with their international obligations in the area of human rights and in compliance with the rule of law that enable advances in agrarian reform that improve the access of poor people and women to resources.
This raises the question of how this participation can be established and where it should take place. The same guidelines situate this question in the wider context of achieving the right to adequate food and reducing levels of food and nutritional insecurity. With this aim in mind, and faced with the limited human, technical, and physical resources available in most of these countries, the idea took root that improvements in the governance of land tenure systems could benefit from the construction of multi-actor spaces (formal and informal) for the construction, implementation, and monitoring of public policies and programmes related to food and nutritional security. Consequently, in most of the countries under study, National Strategies for Food and Nutritional Security have been developed, providing mechanisms for the sector-based coordination of policies and social participation. Given the slow evolution of national strategies, and seeking to increase cooperation between member states towards their implementation, the process of constructing and approving the CPLP Food and Nutritional Security Strategy (ESAN-CPLP) was developed and subsequently approved in 2012 by the CPLP Council of Ministers at the Summit of CPLP Heads of State and Government.

The central importance of access to natural resources (e.g. access to land, strengthening research into local seed varieties and their conservation) for the effective promotion of family farming is recognised in Axis 3 of ESAN (relating to increasing the availability of food production based on small farmers), which advocates, among other things, interventions in the form of capacity-building programmes on access to land and other natural resources and a support programme for agro-industrial development based on simple technologies of food production, processing, and marketing. ESAN is examined in more detail in section 5.2, after a brief look at the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) (2012) and the African Union Land Policy Framework and Guidelines (ALPFG) (2009).
International institutional framework

Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security

With the aim of contributing to fair and equitable access to land and other natural resources, the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) were negotiated and approved in May 2012. By providing a framework that can be used by states to develop their own national strategies, policies, and programmes, the VGGT also constitute a source of acceptable practices that can be used by all interested parties and member governments to evaluate proposals, existing policies, and programmes. Though not legally binding (since they do not replace laws, commitments, treaties, or international agreements), by serving as a basis for states to develop their own strategies, policies, and programmes they can perform an important role at national level.

Responsible governance recognises not only legal tenure (private and public ownership), but also community and customary tenure. This element is of prime importance insofar as many African cultures do not share Western premises and principles and the laws relating to property are, therefore, highly vulnerable when these approaches are used to analyse the use of land, property, and access. The community nature of tenure is deemed indispensable for peasants from the PALOP members of the national federations making up the CPLP Peasants’ Platform (ACTUAR, in press), requiring adaptations in terms of defining and categorising “family” farming. Inevitably the dialogue between customary norms and legal precepts must be strengthened, incorporating the community dimension in national laws and regulations. In Mozambique, for instance, community areas are defined by law as a social entity composed of a people and a territory, structured around common interests with an institutional and organisational structure that maintains the historical and cultural principles of the territory in question.10

9 Tenure rights refer to a legal or custom-based relationship. Security of tenure refers to the certainty that a person’s rights are recognised and protected through conflict resolution mechanisms. Particularly in terms of land access and control, the unique nature of land leads to it frequently being subject to simultaneous uses and legal rights, imposed by administrative and tenure systems determining who can make use of the resource and under what conditions. Hence fair and secure rights have enormous implications for social and economic development, and their realisation makes a decisive contribution to overcoming hunger and rural poverty and to achieving food security and the sustainable use of land, respecting and protecting biodiversity (ACTUAR, 2012).

10 Since the approval of the Land Law in 1997, 248 community areas have been delimited in Mozambique, representing more than 9 million hectares (FAO, 2009, cited in FAO: Gender and Land Rights Database).
The approval of the VGGT represents the first step in a long journey towards the realisation of fair and equitable tenure rights. Among the main achievements of the CSOs and social movements that took part in the consultation and negotiation process of the VGGT (detailed in ACTUAR, 2012a; 2012b), the guidelines argue that: i) a human rights approach and principles of good governance should be adopted, incorporating the language of human rights, obligations, and principles of good governance (as stipulated by the PANTHER principles), specifically in relation to the principles for implementation, described in part 3; ii) policies and legislation should be designed through a holistic approach, taking into account the social, economic, and environmental functions of land and other natural resources, and giving priority to food sovereignty; iii) public authorities should recognise the diversity of existing regulatory mechanisms and guarantee coherence between the legal and customary norms concerning land and the management of natural resources; iv) states must recognise the role of indigenous peoples in preserving natural resources and must guarantee respect for and protection of their rights of tenure (free, prior and informed consent; traditional systems of using and sharing natural resources, and so on); and v) states must take or maintain legislative measures against gender discrimination in access to land and other natural resources, particularly in the case of family farmers, ensuring equitable access to land registration, credit, markets, and so on.

Finally, and in line with arguments supported by the CPLP Peasants' Platform, the VGGT emphasise the need to foster interdependence and complementarity between natural resource access and tenure and the area of food and nutritional security. On this point, some elements are particularly important in the constant negotiations between non-governmental actors and governments, specifically in terms of evaluating the coherence and coordination of policies at national level, ensuring the existence of prior and informed consent from the communities involved in initiatives for conserving and managing natural resources, promoting the participation of civil society in the formulation, monitoring, and evaluation of public policies, strengthening customary institutions and collective tenure systems, and thus assuring, in sum, the realisation of the right to adequate food. The CPLP family farmer organisations highlight the need, in each national context, to develop practical instruments that illustrate their applicability, generating “good practices” for national public policies and normative instruments for other territorial levels. It is the concrete setting up of councils and other spaces for inter-ministerial coordination that will enable the effective and quality participation of civil society. Some hesitant steps in this direction have already been taken in some PALOP countries as part of the implementation of ESAN-CPLP, as discussed below.

According to Article 24 of the Land Law, local communities in rural areas should participate in the management of natural resources and in the land titling process. The same article defines local community use via customary norms and practices.

11 PANTHER is a mnemonic developed by FAO, representing the human rights principles of Participation, Accountability, Non-discrimination, Transparency, Human dignity, Empowerment, and Rule of law. The conscious and deliberate application of these principles has the objective of enabling the construction of complementary and integrated strategies of empowerment, equity, and inclusion, employing specific accountability mechanisms.
Regional institutional framework

African Union Land Policy Framework and Guidelines

The African Union Land Policy Framework and Guidelines (ALPFG) are the result of the Land Policy Initiative, launched in 2006 by the African Union Commission (AUC) in partnership with the United Nations Economic Commission for Africa (ECA) and the African Development Bank (AfDB). They were approved in 2009 at the Conference of Ministers of Agriculture, Land and Livestock; some months later, the Heads of State and Government of the AU attending the 13th ordinary session of the Assembly approved the “Declaration on Land Issues and Challenges in Africa”, requesting the effective application of the ALPFG. These guidelines establish a commitment at the highest political level towards a guiding framework for formulating and implementing the land tenure policies of the respective member states, specifically: i) to establish land policies as a prerequisite for sustainable social, economic, and environmental development and for reducing poverty; ii) to encourage popular participation in the formulation and implementation of land policy as the basis for effective land policies and legislation and to stimulate a more coherent partnership between states, citizens, and development partners in the formulation and implementation of land policies; and iii) to suggest standards of good practice in the reform of land policies which the member states can adopt and adapt according to their respective contexts. The ALPFG also aim to function as a tool for diagnosing the state of land governance at national level. There have been difficulties in applying some of the commitments agreed in the context of the AU to member states. In the PALOP countries, for example, the idea prevails that the AU is still beset with various institutional weaknesses. The Accelerated Programme for the Development of African Farming may signal the possibility of some action in the area of land tenure, but so far there is no apparent connection between the investment plans proposed by member states and the main elements of the ALPFG.

12 The PALOP countries (Angola, Cape Verde, Guinea-Bissau, Mozambique, and São Tomé and Príncipe) are members of the African Union.
13 The Declaration underlines the need to “develop studies to establish an appropriate institutional framework supporting the member states in their efforts to revise, develop and implement land policies, including mechanisms for monitoring and drafting reports, as well as to create an African Land Policy Fund” (in the Sirte Declaration, 2009).
Food and Nutritional Security Strategy of the Community of Portuguese-Language Countries

In 2011, the CPLP member states approved the Regional Strategy for Food and Nutritional Security (ESAN-CPLP),\textsuperscript{14} aiming to improve the coherence and coordination of the national policies of member countries and to promote two-way connections between the national level and regional/global discussions, especially in CPLP and the Committee on World Food Security (CFS). As expressed in the ESAN-CPLP document, the strategy’s objective is to contribute to eliminating hunger and poverty in CPLP countries by reinforcing coordination between member states and improving the governability of sectoral food and nutritional security policies and programmes, based on the right to adequate food.

This strategy, formulated to promote the right to adequate food, focuses on strengthening governance of food and nutritional security by looking to foreground strategies and programmes in the political and legislative contexts of the Community’s member countries. It revolves around three main axes:

- **Axis 1:** Strengthening the governance of food and nutritional security at national and CPLP level, ensuring the participation of relevant actors as a way of improving the coordination and coherence of policies at local, national, regional, and global levels.

- **Axis 2:** Promoting access to and use of food to improve the livelihoods of the most vulnerable groups, facilitating access to food (of adequate quantity and quality) and basic services (water, sanitation, health care, etc.), aiming to improve livelihoods and promote social inclusion of these groups, in particular peasant and rural communities.

- **Axis 3:** Increasing the availability of food based on models of sustainable production, processing, and distribution by boosting internal production based on small producers, meeting their food needs, either through their own consumption or via an increase in family income through the sale of produce. With these aims in mind, ESAN-CPLP encourages the implementation of public programmes and policies that valorise family farming, particularly at the level of food production, market access, commercialisation, income distribution, research, etc. ESAN-CPLP also proposes the formulation and implementation of plans of action that include programmes supporting government purchases from family farmers (school food, for example).

Aiming to build and reinforce an inter-sectoral governance system for food security operating at national and regional levels, stimulating coordinated actions at all levels (local, national, regional, and global), ESAN-CPLP has created the CPLP Regional Council for Food and Nutritional Security (CONSAN-CPLP), a ministerial and multi-actor platform set up to coordinate policies and programmes developed in the area of food and nutritional security (FNS) and to advise the Conference of CPLP Heads of State and Government. CONSAN-CPLP’s objective is to promote inter-sectorality and social participation in the coordination of policies, legislation, and action programmes in this area.

Civil society and family farmers can participate formally in CONSAN-CPLP, presenting concrete proposals and recommendations for the policy agenda. According to the

\textsuperscript{14} More information on ESAN-CPLP is available at: http://www.cplp.org/id-2391.aspx.
Guidelines for the Mechanism for Facilitating Civil Society Participation (CPLP, 2012),\textsuperscript{15} the Mechanism’s functions include the regular exchange of information, analysis, and experiences between the participating organisations; the development of joint positions; convoking and facilitating the operation of the Working Group on Farming and Food Sovereignty at the CPLP Civil Society Forum; and accompanying and monitoring ESAN-CPLP’s implementation at their specific level. As stipulated in ESAN-CPLP, priority is given to the participation in CONSAN-CPLP’s sessions of the groups most affected by food and nutritional insecurity,\textsuperscript{16} while respecting a geographic and gender balance among the CPLP’s member states. The Committee for the Coordination of the Mechanism is formally composed of 24 organisations, as set out in the Guidelines: eight organisations representing small family farmers (nominated by the CPLP Peasants’ Platform); eight organisations representing the vulnerable areas/groups identified previously; and eight organisations representing the national civil society networks working in the area of FNS in the CPLP countries (nominated by the National Food and Nutritional Security Networks of the member states). Currently implementation of the Mechanism is coordinated by ACTUAR, which handles its administrative, organisational, financial, and communication dimensions.

This regional strategy represents an opportunity to strengthen land governance through adequate political, institutional, and legal frameworks, since the recommendations proposed at CONSAN-CPLP are sent to the Heads of State and Government and, once endorsed, become binding upon member states. In this context, the participation of the CPLP Peasants’ Platform in the CONSAN-CPLP Family Farming Working Group (FF-WG) and in CONSAN-CPLP itself via the Civil Society Facilitation Mechanism is of crucial importance, insofar as its recommendations must be considered at all stages of the consultation and decision-making process.

At national level, however, few initiatives have been implemented since ESAN-CPLP was approved. Mozambique, despite having many of the necessary conditions, has not begun to build the planned governance mechanisms. This delay is, perhaps, an expression of the political priorities of the country’s current model of economic development.

In Angola, a civil society forum was held to initiate this process (in October 2013) along with a seminar on family farming, which concluded that it was necessary to update the National Food and Nutritional Security Strategy and create a National Food and Nutritional Security Council. The main obstacle has been the perception of the main decision-makers on policy that the country’s rural development should basically be achieved through the “modernisation” of peasants, i.e. through policies and instruments that favour increases in agricultural productivity and production with the aim of enabling Angolan peasants to reach the same levels of productivity attained in other countries. This vision largely ignores

\textsuperscript{15} The Guidelines for the Mechanism for Facilitating Civil Society Participation form an integral part of the CONSAN-CPLP Statutes.

\textsuperscript{16} According to FAO’s official classification of the groups most vulnerable to food and nutritional insecurity, the following groups are considered a priority for participation in CONSAN-CPLP’s Mechanism and meetings: family farmers and small agricultural producers; artisanal fisher folk; cattle breeders/pastoralists; landless populations; the urban poor; agricultural workers from the agri-food sector; women; youth; consumers; indigenous peoples; and national NGOs working in FNS areas.
the new international conditioning factors stemming from the process of food globalisation, which would advocate more inter-sectoral policies (farming, health care, education) aiming to ensure the survival of peasants.

Cape Verde held a meeting to discuss the creation of a Food and Nutritional Security Council, a process that concluded with the participation of civil society, including organisations representing family farmers (among them, the Cape Verde Small Farmers Association). Cape Verde proved extremely open to the idea of strengthening family farmers as a way of reducing the population's vulnerability. It was also recognised that this could become a catalyst for territorial development. This openness derives partially from the country's specific characteristics (a high level of food vulnerability and the absence of large farmers).

In the other African countries, no advances have been seen in the implementation of ESAN-CPLP or the operation of the planned National Food and Nutritional Security Councils, which precludes any real chance of land being included as a theme in the national political agenda via this route and limits the effective and meaningful participation of civil society and representatives of vulnerable groups (including family farmers, women, and traditional communities). The promotion of decentralised and democratic land governance mechanisms is fundamental, ensuring the building of capacity and empowerment, and effective and meaningful participation of vulnerable groups in decision-making processes concerning the use and management of access to and control over their land resources, so as to accommodate systems of plural tenure, particularly in the current context of increasing commercial pressures on land.

It should be noted, however, that while these limitations are encountered at national level, this does not prevent existing legislation from promoting participatory management in some countries, especially at the level of local state organs. Such is the case in Angola, where Law 17/2010 on the organisation and operation of local state administrative bodies establishes principles for the participation of civil society and communities in local management and determines that no decision can be taken by the government without prior consultation with interest groups during this process.

As most of the Portuguese-speaking African countries recognise, local state administrative bodies have made efforts to facilitate the circulation of information on land management at national level. However, there is still a long way to go before a prior, informed, participatory, transparent, and adequate form of consultation is reached. Indeed, in various Portuguese-speaking African countries, the attitude of public servants and extreme levels of bureaucracy have acted as significant barriers to the legalisation of land rights (e.g. in relation to land registration processes), even though statutory law does not impose any formal barriers.

The participation of local government bodies in national mechanisms for the governance of FNS is anticipated in the majority of the National Food and Nutritional Security Strategies and also in the CPLP's strategy, meaning that the development of these mechanism could eventually contribute to better coordination between forms of participation at the different territorial levels.
Incorporation of international and regional guidelines and strategies

in the land laws and policies of Portuguese-speaking African countries from a rights-based approach centred on people and communities

At national level, the CPLP countries directly or indirectly possess policies and instruments related to family farming and some of them benefit from inter-ministerial coordination of food security initiatives, despite the difficulties mentioned earlier. Nonetheless, the concrete steps taken by most member states, especially those from the African continent, along with implementation of the policies and programmes created, are still fragile and have proved to be insufficient due to institutional limitations (human, technical, and physical resources), which impose significant constraints to compliance with the laws, projects, and programmes in force (ACTUAR, in press).

Given the strategic importance recently granted to the foreign purchase of land for non-farming purposes (prospecting for minerals and oil in Angola, biofuels in Mozambique, and even tourism in Cape Verde and São Tomé and Príncipe), the challenges are innumerable. In fact, as well as population movements, the unequal distribution of land also relegates a growing population of peasants to marginal areas.

Based on an analysis of the contributions made by different countries, this section presents some important observations on the incorporation of legislation and international norms on human rights (including women’s rights, the right to food, and the right to land) into national legal and institutional frameworks; and on the recognition and protection of distinct tenure and production systems (including the communal and customary tenure systems of small farmers and traditional communities).

In terms of incorporating international legislation and norms on human rights (including women’s rights, the right to food, and the right to land), Portuguese-speaking African countries have ratified international treaties relating to the right to adequate food,\(^{17}\) and have adopted the basic principles of international instruments in national legislation, and have taken part at important points in the dialogue on land governance.\(^{18}\)

---

17 Namely, the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Angola, Cape Verde, Guinea-Bissau, and São Tomé and Príncipe; the process of signing and ratifying ICESCR is under way in Mozambique.

18 Namely, the International Conference on Agrarian Reform and Rural Development, which took place in Brazil in 2006.
In most Portuguese-speaking African countries, national legislation recognises human and women’s rights to access and manage natural resources, including land and water. In Mozambique, this is expressed in Article 109, Paragraph 3 of the Constitution: “As a universal means of creating wealth and social well-being, the use and exploitation of land is the right of all Mozambican people.” These rights are also acknowledged in the Mozambiquan Land Law of 1997.

Likewise, the Land Law 03/1991 of São Tomé and Príncipe regulates access to land, having split plots held by large companies into medium-sized and small parcels distributed according to family cluster, the smallest (with areas of up to 10 hectares) belonging to small farmer. All Santomean peasants possess a provisional land deed that gives them the right to use their parcel of land. If a peasant abandons the land, leaving it unproductive, the government has the right to take it away and give it to another peasant who needs it or to a young member of the community who has never owned any land. Due to a lack of support and incentives, families have in many cases abandoned their parcels of land, and five years later the state has reclaimed them.

In Angola, the 2004 Land Law underlines the role of the state in protecting the land rights of the population, notably men and women living in poverty. Despite Article 9 stipulating that “the State respects and protects the land rights of rural communities as holders, including those based on use or custom”, the Law is not sufficiently clear on traditional rights in a context where the means of subsistence for most of the population are related to farming and where land is predominantly community-owned (CEDAW, 2004). Land tenure is almost always ineffective for the majority of people living in rural areas, insofar as they lack deeds that prove their ancestral rights to these lands.

In Mozambique, both the 1990 and the 2004 Constitutions maintain the principle that land is the property of the state. Nevertheless, since 1990 private property has been expressly recognised as one of the pillars of the economy. Reflecting this fact, the 1997 Land Law pronounced in favour of the right to use and exploit private land, informed by the principles of freedom and autonomy, equality, universality, justice, and equity (access to land for vulnerable groups such as women is legally guaranteed). Despite the issue of equitable access to land resources being incorporated into the different legal and regulatory instruments, their divulgence is still weak.

After Cape Verde’s independence in 1975, agrarian reform was conceived with the objective of providing better and fairer conditions for the development of agriculture and for food security: a number of rural properties and subterranean water resources were nationalised, partnership agreements were signed, rural properties were divided into areas smaller than one hectare, and Agrarian Reorganisation Commissions were set up. However, these measures, contained in the Agrarian Reform Law, were not accepted by the population, leading to their annulment in 1993. As some commentators have suggested, while the period of independence began a reordering of relations of land ownership in the rural

---

19 The average surface area of the land distributed to small farmers is 1.5 hectare per farmer, according to data collected by FENAPA/STP, the National Small Farmers Federation of São Tomé and Príncipe.

20 This regulation replaced the 1992 Land Law, which concerned agricultural use only.
world, changes in political power in the 1990s led to an overthrow of the legal order that plunged the population into a condition of vulnerability. Since then various decrees related to the land regime have been adopted, building a legal and institutional framework that still needs revision today, in order to eliminate overlaps and better embed some services. Although, as we have seen, legislation in Portuguese-speaking African countries includes the possibility of redistributing land (in Angola, for instance, the distribution of land for use by small-scale farming systems follows the principle of equity between all beneficiaries), the truth is that the effective implementation of the different legal and regulatory instruments is still feeble. Women's rights are essentially defined in two areas of law that interact with one another: general civil law (property, family, and inheritance law) and agrarian and natural resource law. Although national legislation in CPLP countries recognises the rights of men and women to access and manage natural resources, including land and water – as corroborated by the study “Integration of a Gender-Based Approach to Water and Land Resource Management (Angola, Cape Verde, Mozambique, and East Timor)” (ACTUAR, 2010) – in practice, effective non-discrimination and equality have yet to be attained.

In fact, although the Portuguese-speaking African countries already have constitutional provisions for promoting equality between women and men, the effective implementation of normative documents has proved to be neither easy nor free of tensions, given that many existing traditional systems are discriminatory. In these countries, patriarchal systems still predominate, limiting the rights of women as a way of preventing the loss of family lands when a woman marries and leaves the family. Data taken from FAO’s “The State of Food and Agriculture 2010–2011” report (FAO, 2011) indicates that 25.5% of rural family households in Africa are headed by women (26.3% in Mozambique and 21.8% in Angola). Rights to arable lands are normally granted to male heads of family, while women benefit merely from “derived” rights (such as certain cultivation rights obtained through their relationship to male family members). Land cultivated by women is also often less fertile.21

Aiming to overcome some of these limitations, the Mozambiquan Land Law of 1997 set out the principle of land being co-owned by married couples during the transfer of land titles. In Cape Verde too, the Constitution of the Republic, as well as the Penal Code, the Electoral Code, the Labour Code, and the Family Code, enshrine gender equality, with considerable advances having been made in recent years.22

However, the UN Committee on the Elimination of Discrimination against Women (CEDAW, 2006) has expressed its concern over the persistence of traditional patriarchal stereotypes in the roles and responsibilities of women and men in the family and in society: in Cape Verde, women have proportionally less access to irrigated land than men and families headed by women tend to suffer from greater food insecurity, have smaller parcels of land and a lower capacity to diversify production, and occupy the least productive arable (non-irrigated) land.

21 Matriarchal systems also limit women’s rights since, although property is transmitted via the maternal line and women have more rights than under a patriarchal system (in which they are excluded), land is generally controlled by male family members.

22 In 1994 the forerunner of the Institute of Gender Equality and Equity was created and in 2004 the National Commission for Human Rights and Citizenship.
In Angola significant gender disparities still exist, despite the progress made since the country’s independence, a point underlined by the CEDAW Committee in relation to discrimination against women contained in legal documents such as the Civil Code, the Penal Code, and the Commercial Code. Although women’s rights are set out in the Constitution, practical application of the provisions was still considered ineffective by the Angolan representative at the 32nd session of CEDAW (CEDAW, 2004). Nonetheless, government institutions working in this area have performed an important role in equitable arbitration and in securing permanent equal rights between women and men in accordance with the law and other conventions on the valorisation and empowerment of women, while CSOs have helped to raise community awareness concerning the equity of land rights for everyone (UNACA, 2014).

In fact, some of these countries already have a number of legal documents that incorporate provisions on the principles of equality between women and men (constitution, family law, land law, commercial law). In practice, however, achieving non-discrimination has been far from plain sailing, making it essential to work to promote and consolidate positive actions that ensure gender equity. Other difficulties that hinder the advance of women in many Portuguese-speaking African countries include cultural barriers relating to the roles traditionally defined for women and men; insufficient awareness of existing laws and rights protecting women; unequal access to education; administrative structures that are weak and biased towards men; and an attitude of female silence and submission (ACTUAR, 2010).

There are also norms of customary law (albeit moderate) that discriminate against women in terms of accessing and managing land and water. This is the case in Mozambique, which recognises the right to use and occupy land in accordance with the customs and rights of “local communities”. These acquire a collective co-title to “use and benefit” from land that they have historically occupied, yet a patriarchal system still prevails (particularly in the south of the country), under which a woman who divorces or becomes a widow loses any right to inherit land or other related assets (fields and improvements built on land that had previously belonged to both spouses). The same applies to water, in particular for small-scale irrigation.

It is also worth emphasising the barriers created by customary norms to women’s inclusion in decision-making relating to access to land and water, especially in inheritance practices. The CEDAW Committee has expressed serious concern at the persistence of traditional practices that penalise women (particularly in family relations and marriage), despite such discrimination being prohibited in legal documents (e.g. in Mozambique). Although Mozambique recognises customary land systems provided they are consistent with the Constitution (which stipulates that customary laws cannot discriminate against women), economic pressures undermine these protections, and statutory protections are not always effective.

In terms of the recognition and protection of different systems of tenure and production (including the communal and customary tenure systems of small farmers and traditional communities23), in some of the countries studied statutory and customary laws co-exist

---

23 Respect for, and strengthening of, the rights of traditional communities must be made patent in land policies through mechanisms that legally recognise the customary rights of such communities and their internal mechanisms of natural resource management. This factor may be particularly significant in terms of the
side-by-side, including in relation to the management of natural resources. This can lead to unclear and ambiguous situations due to the co-existence of multiple institutions with the authority to manage access to resources and resolve disputes (religious leaders, customary authorities, government bodies, etc.). Given the co-existence of multiple normative systems and forms of economic organisation in Lusophone African countries, dialogue between legal and customary mechanisms for accessing and managing land and other natural resources is absolutely vital, with a need for policies that recognise the wide variety of national tenure, use, and land management regimes, including those governing community tenure.

However, despite the fact that most of the African countries concerned already have land laws recognising customary rights, which are essential for reinforcing political reforms, many socio-cultural obstacles remain, limiting equitable and fair access to and control over natural resources, with statutory law and the interests of the government prevailing over customary law.

One clear example here is Angola, which recognises the customarily owned lands of rural and traditional communities, establishing in Article 23 of the Land Law that “Rural community terrains are those used by a rural community according to the custom relating to land use.” Although recognising and defining community rights and customary systems, Article 9, relating to the recognition and protection of customary rights and uses, explicitly states: “1. The State respects and protects the land rights of rural communities as holders, including those based on use or custom. 2. The terrains of rural communities may be expropriated by a public utility or may be subject to requisition in exchange for fair compensation.” Hence it fails to protect the ancestral rights of the vast majority of people over their lands, since most of those living in rural areas lack formal deeds to the lands that they work.

In fact, many legal systems fail to legally recognise or protect the land rights of local customary rights holders who are caught in a clearly unfair power relation with international corporate investors, since these rights very often lack a legal force equal to those acquired by statutory law. In Mozambique, for example, according to a study by the Rural Mutual Aid Association (ORAM, 2013), systematic violations of the country’s Land Law are seen in non-compliance with the principle of transparency established in the Law and other regulations relating to land. The same study observed that these violations undermined local leaders who, with the connivance of local governments, conducted ad hoc consultations without involving the rest of the community, thus de-legitimising these processes.

The inadequacies of these consultation processes are also observed in countries where the tourism industry has advanced rapidly, requiring systematic planning of land use in order to avoid negative environmental, cultural, and social impacts. In the case of Cape Verde, a small island state with a very small territory and a very large potential for development of the tourist industry, some areas have been designated Special Tourist Zones.

存在的合法保护，防止强迫性驱逐（法律规定的保护权利，经济补偿等）。此外，有关保护动植物多样性和可持续利用的规范，以及获取和分享基因资源的利益，必须在生物多样性丰富的国家中考虑，如葡萄牙语国家。然而，在大多数这些国家中，机构和法律框架仍然忽略了这些权利，而有关此主题的信息仍然非常匮乏。
In many cases, the interests of local populations regarding these territories – where they have historically carried out activities such as pastoral farming and/or agriculture – have not been properly safeguarded. Consequently, greater rigour in the definition of these Special Tourist Zones is essential, particularly from the viewpoint of safeguarding the interests of local populations in relation to territory and historical zones of usage (for example, through the creation of agricultural reserves or pasture areas), and reconciling the legislation with the constitutional provisions that protect customary rights. Whenever these investments in promoting tourism are an option (see the recent case of the massive investment by South Africa in Príncipe Island in São Tomé and Príncipe), governments must ensure the effective participation of local communities in the management of human resources and in sharing the benefits that arise.
Conclusions and recommendations

Generally speaking, the countries analysed here face huge challenges in terms of land management and access, both in terms of regulating and applying laws and in disseminating legislation and training all the actors involved (for instance, government technicians and civil society). Most of these countries also have models of national food and nutritional security governance in which the land issue is included, though with low levels of inter- and intra-sectoral coordination. They also lack the participation of family producers, which increases the likelihood of public policies being appropriated by other actors and reduces their effectiveness. These models also fail to support partnership and/or cooperation, which could help reduce some of the significant transactions costs for family farming and improve integration with other basic areas of policy, such as initiatives related to education, access to natural resources, services, credit, sanitary improvements, and health care.

It is essential to safeguard the inter-relation between family farming, the implementation of the right to adequate food, and systems of governance that enable and/or reinforce coordination and social participation. The economic and social changes under way in some of these countries (particularly in Angola and Mozambique), current political conflicts (Guinea-Bissau), and greater vulnerability to changes in the global food system (Cape Verde and São Tomé and Príncipe) are creating a very different institutional structure to the one seen over the past two or three decades and may hasten the need to strengthen these spaces as a forum for fulfilling agreed commitments and responding to potential conflicts. Consequently, better opportunities may emerge for increasing public investment in agriculture, supporting the multi-functional roles of small farmers (CFS/HLPE, 2013), and thereby helping to attain adequate levels of food and nutritional security in order to reduce poverty and inequality (ACTUAR, 2010).

The CPLP Peasants’ Platform recognises the central role of family farming as a primary supplier to local markets, and especially as both a guaranteed source of subsistence for the families of producers themselves and as a mechanism for the sustainable management and use of natural resources and related traditional knowledge, protecting the rural landscape and the natural and cultural heritage of local communities. It argues that the strengthening of land governance is a crucial step towards promoting greater involvement of family farmers in the demand for specific policies that ensure the full exercise of their rights and contribute to the construction of social identity and the organisation of cultural life.
With these aims in mind, the national peasant federations belonging to the CPLP Peasants’ Platform of the African Countries of Portuguese Official Language put forward the following proposals as priority actions at the national level:

» Ensure respect for legislation already in force concerning the protection and strengthening of land rights of women and men living in poverty, in compliance with international law and norms on human rights, so that nobody is deprived of the use or control of land, including through eviction, expulsion, or exclusion. Ensure gender equity in relation to access and control over land (including the right to inheritance and tenure rights), promoting the strengthening of the capacity of women to defend their right to land and to participate in political decision-making processes and mechanisms.

» Recognise structures parallel to the state for land administration and management, at local and community levels, and protect diverse existing systems of tenure and production, including the communal and customary tenure systems of small farmers, artisanal fisher folk, and traditional communities.

» Promote and reinforce the participation of civil society and family farming representatives in institutional spaces of policy coordination for farming and food and nutritional security, specifically on local and national food and nutritional security councils, ensuring the inclusion of the right to land and other natural resources in national food and nutritional security strategies, based on a people- and community-centred approach.

» Assure security of tenure for small farmers in relation to land and natural resources through the implementation of the VGGT at national level and adequate measures for improving cooperation and governance in the management of commonly owned resources, including biodiversity, water, forests, and fisheries.

» Create observatories to monitor and evaluate national policies and programmes that affect family farmers, especially policies for accessing and using natural resources, in order to monitor: i) the commitments of the state and the allocation of financial resources in different countries in relation to the development and implementation of agricultural and land policies; and ii) processes and results of inclusive and participatory democratic governance, with a particular emphasis on the mechanisms through which society participates and manages the use of its land resources.

» Create a base of statistical and analytical information in the different countries, to support the institutional construction of public land and agricultural policies. Access to updated data and information enables the development of policies and programmes and ensures greater access for family farmers to factors of production, technical assistance, and local markets.

» Promote the disaggregation of data by gender and by other vulnerable groups (e.g. family farmers, traditional communities) and according to tenure rights (formal individuals, formal collectives, customary use, etc.), while ensuring that this breakdown of data does not itself cause potential discrimination.

» Promote awareness-raising and capacity-building initiatives relating to the role of family farming in defence of the environment, the sustainable use of natural resources, and the protection of cultural heritage, incorporating cross-cutting questions relating to the right to adequate food, access to biodiversity and associated traditional knowledge, gender, and climate change.
At regional level, the CPLP Peasants’ Platform makes the following recommendations. Member states should:

» Comply with the agreement to principles concerning the adoption and implementation of ESAN-CPLP, specifically in terms of reinforcing the legal, institutional, budgetary, and public policy frameworks for strengthening family farming and promoting food and nutritional security.

» Guarantee use of the mechanisms already established as part of ESAN-CPLP, including the Mechanism for Facilitating Civil Society Participation, in the preparation of the agendas and realisation of CONSAN-CPLP’s ordinary and extraordinary meetings, in line with the CPLP Civil Society Declaration concerning the non-realisation of CONSAN-CPLP as part of the programme of the 10th Summit of CPLP Heads of State and Government (see Appendix 3).

» Create the conditions for producing a study on family farming in the CPLP countries, including national analyses, with the aim of recognising the category of family farmers for the purposes of political dialogue and for the definition of public policies with impacts on farming, natural resources, and food and nutritional security.

» Recognise that the process of building governance in food and nutritional security in CPLP countries is interdependent with the process of nation building, with permanent feedback between the two.

» Fully implement initiatives for the International Year of Family Farming as a way of strengthening public policies for family farming in CPLP countries through the adoption of a set of specific public policies, including those relating to access to land, water, fishery resources, forest resources, and traditional seeds, as well as safeguarding and promoting traditional knowledge associated with agro-biodiversity, the empowerment of women and young people, public purchases, and rural loans.

» Enhance interconnection and coordination among the range of technical cooperation projects under way in CPLP countries and ensure the inclusion of civil society in these projects, specifically those organisations representing family farmers.
Bibliography


CPLP (2011) Estratégia Regional de Segurança Alimentar e Nutricional (ESAN-CPLP), Comunidade dos Países de Língua Portuguesa.

CPLP (2012) "Guidelines for the Mechanism for Facilitating Civil Society Participation".

De Schutter, O. (2009) ‘Contribution of Mr. Olivier De Schutter, Special Rapporteur on the right to food, in the 2nd meeting of the Contact Group to support the Committee on World Food Security (CFS)’, 22 May 2009, Rome.


FAO: Gender and Land Rights Database. Gender, Equity and Rural Employment Division (ESW), Food and Agriculture Organization of the United Nations.


Annex 1

Questions sent to national partners for their feedback

The national peasant federations of the Portuguese-speaking African countries belonging to the CPLP Peasants’ Platform were asked to provide their feedback on the incorporation, or not, of the following items in their national legal and institutional frameworks:

- The land rights of men and women living in poverty are being respected, protected, and strengthened, guaranteeing that any normative alterations fully comply with the international legislation and norms on human rights.
- There is equitable distribution of land and public investment for small-scale agricultural systems, specifically through redistributable agrarian reforms.
- The different tenure and production systems are recognised and protected, including the communal and customary tenure systems of small farmers and traditional communities.
- Gender equity in relation to land is assured, enhancing women’s capacity to defend their rights and participate equally in decision-making and the respective sharing of benefits.
- The territorial rights and traditional knowledge of traditional communities are respected and protected, as established under Convention 169 of the International Labour Organization and in the United Nations Declaration on the Rights of Indigenous Peoples.
- Participatory methodologies for decision-making and territorial management are promoted and local communities empowered to ensure compliance with these responsibilities.
- The decision-making processes on land issues are inclusive, such that policies, laws, procedures, and decisions adequately reflect the rights, needs, and aspirations of individuals and local communities.
- Transparency and accountability are assured, through unrestricted and timely public access to all the information that can contribute to informed public debate and decision-making on land issues.

24 In compliance with the Antigua Declaration (see Appendix 2), signed by the member countries of ILC, during the 2013 Global Earth Summit, “Inclusive and Sustainable Territorial Governance for Food Security: Sharing Lessons from Around the World.”
Land grabbing situations are prevented and corrected, respecting traditional local use rights and guaranteeing that all initiatives involving the use of land, water, and other natural resources comply with human rights and environmental obligations, and that they are based on: i) the free, prior and informed consent of users; ii) a thorough evaluation of the economic, social, cultural, and environmental impacts on women and men; iii) democratic planning and independent supervision; iv) transparent contracts that respect labour rights; v) impartial and effective mechanisms to correct land grabbing situations, including restitution and compensation mechanisms.

The civil and political rights of those defending human rights who work on land issues are respected and protected, combating the stigmatisation and criminalisation of peaceful protest and activism towards securing land rights, and ending impunity for human rights violations, including harassment, threats, violence, and political imprisonment.
Annex 2

ILC Antigua Declaration

We, members of ILC, have met at our Assembly of Members on April 25th, 2013, following the Global Land Forum in Antigua, Guatemala, which involved 273 members and guests from 47 countries in Latin America and the Caribbean, North America, Africa, Asia and Europe. We represent farmers, pastoralists, indigenous peoples, youth, and women's organisations, as well as non-governmental organisations (NGOs), academic institutions and research centres, unions and multilateral institutions. We are brought together by our shared objective to promote secure and equitable access to and control over land for women and men who live in poverty.

Land rights are fundamental to addressing the common challenges of humanity, including overcoming poverty and hunger, recognising the rights of Indigenous Peoples, mitigating and adapting to climate change, reversing desertification and land degradation, sustainable development and peace-building.

We acknowledge the growing international consensus on land governance that includes collective rights and respects territorial visions of development, human rights, gender equality and environmental sustainability, as well as the decisive role of small-scale producers and family farmers in present day and future food production systems in achieving food security for all. We applaud the achievements of Indigenous Peoples in gaining international recognition for their distinct inherent rights. We recognise the important role the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT) and the Africa Land Policy Framework and Guidelines (ALPFG) play in expanding this consensus.

We are disturbed, however, by the gap between aspiration and reality. Agrarian economies are profoundly affected by corporate and other interests that are external to local territories, taking control of land, productive resources and food value chains, alienating land-users from their environment, and posing great risks of marginalising small-scale producers and family farmers. We observe the increasing levels of land grabbing and land concentration that are embedded in wider political and economic choices, including poorly regulated investment frameworks and poor governance that do not respond to the needs of rural communities, undermine democratic processes, create unhealthy environments and unequal societies, and perpetuate poverty and hunger.

We are encouraged by the successes achieved by our members in securing the tenure rights
of women, men and their communities. We will build on these and on the opportunities provided by the growing global recognition of the importance of responsible land governance. To this end, we, members of ILC, take the following commitments:

1. We will support models of development and environmental stewardship based on respect for territorial governance and local food and natural resource management systems, which recognise the multiple dimensions of land, including its cultural, social and spiritual functions, as a basis for social inclusion and dignity.

2. We will work towards encouraging public policies and strategies for investment in agriculture and natural resource management that are socially equitable, environmentally and economically sustainable, and that place small-scale producers and family farmers at the centre of their rural development strategies. We will therefore build evidence and advocate for public investment and trade policies and market regulation that achieve this goal. At the heart of our efforts will be empowering small-scale producers and family farmers through stronger organisations, especially of women producers, and working towards secure and equitable access to land.

3. We fully support the International Year of Family Farming in 2014 and are encouraged by the development of a UN Declaration on Peasant Rights.

4. We voice our concern at the extreme vulnerability of many Indigenous Peoples to land grabbing and criminalisation of customary forms of land and natural resource use, particularly in contexts of extractive industries, conservation areas and commercial agriculture. Recognising that respect for indigenous cultures contributes to sustainable and equitable development and management of the environment, we commit ourselves to work together to more effectively support Indigenous Peoples in their struggle for territorial rights and the protection of their environments.

5. We will work towards strengthening women’s land rights and gender justice in land governance, with the aim of achieving both de jure and de facto equality between men and women, while recognising the diversity of women, their tenure rights and ensuring women’s equal opportunities and participation in decision-making at all levels. We support and place great expectations on the development of a General Recommendation on the Rights of Rural Women by the Committee of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). We see the operationalisation of this Convention, especially of its provisions pertaining to rural women, as a critical tool to advance women’s land rights in rural areas.

6. We denounce all forms of human rights violations related to land, territorial and environmental issues, and we will work together with others to monitor such abuses. We express our severe concerns over the increasing harassment, threats and killings of human rights defenders, including in our host country Guatemala, especially those who work to defend land and territorial rights. We urge governments to ensure their protection, including those facing trial as a result of their defence of land rights.

7. We recognise the integral value of the environment and the sustainable management of natural resources to achieve food security, the well-being of our societies and full
realisation of the right to food. We will work to recognise and enable the stewardship role of local communities by up-scaling our efforts to secure their customary and diverse tenure rights and by advocating local governance of territories and commonly held land, water and other natural resources.

8. We note with grave concern the lack of transparency and accountability related to decision making over land, in particular relating to large-scale concessions and land use conversions. We welcome the increased emphasis by the international community on this issue, and strongly urge that this is accompanied by efforts to support nationally-owned multi-stakeholder processes in the context of implementing the VGGT and the ALPFG. We will upscale support to participatory monitoring initiatives that open space for dialogue and evidence based advocacy.

We therefore strongly advocate for the inclusion of a sustainable development goal on governance of land tenure and targets specifically related to secure and equitable land rights, especially for women, in the post-2015 development agenda. We encourage the work of the Committee on World Food Security in defining Principles of Responsible Agricultural Investment.

The International Land Coalition expresses its solidarity with the people of Guatemala in this critical moment where the Nation is still healing the wounds of the recent war, while deepening the democratisation process. We commend the courageous efforts to achieve truth, justice and reparation. These elements are essential to build peace with social justice.

To this end, we affirm our experience that constructive engagement and participation of civil society in decisions over territorial development is key to achieving the aim of a more prosperous and peaceful society. We therefore welcome the commitment made by the Government to address as a matter of urgency the fair settlement of the rural communities evicted in the Polochic Valley, and we urge the rapid implementation of this commitment.

We affirm our willingness to support national members and the Government of Guatemala to implement the VGGT, in particular regarding the need for strengthening its land institutions and developing territorial development policies and institutions so that they can effectively help promote timely and meaningful social participation; realise the land rights of women and men in peasant and indigenous communities; reduce negative impacts of private investments on indigenous peoples’ territories; and stop land grabbing and forced evictions.

Globally, we will continue fostering collaboration between the States and civil society, and sharing experiences across countries that contribute to equitable and productive land tenure that increases food security. We, as members of ILC, commit ourselves to working at all levels, and in support of governments and other stakeholders, to operationalise the VGGT and the ALPFG in a people-centred manner, as detailed in the attached commitment to action on People-centred land governance.

We extend our appreciation and gratitude to our hosts in Guatemala for solidarity and their generous hospitality.

---

25 Members began a debate on the relevance of the concept of Food Sovereignty, which will be continued.
People-centred land governance

Commitment to action on the VGGT and ALPFG with a focus on women and men living in poverty

As members of ILC, we welcome and reaffirm the Voluntary Guidelines on Responsible Governance of Tenure, and the Framework and Guidelines on Land Policy in Africa, as much-needed global and regional norms and benchmarks. We call on States to take the appropriate legal and institutional policies to operationalise these Guidelines, and we commit ourselves to working with them and other partners towards extending these Guidelines to practice and policy, both as member organisations and as a coalition.

We, in particular, recognise that the implementation of these Guidelines at the country level requires intensive engagement by multiple stakeholders at local, national and regional levels, and that implementing these Guidelines and other international standards involves trade-offs between competing interests and priorities. We also know that transforming international norms into reality on the ground is an enormous challenge that requires the collaboration of all.

As ILC members, we commit ourselves to contribute to their operationalisation, with a particular focus on those who live in poverty and consistent with our vision that ‘Secure and equitable access to and control over land reduces poverty and contributes to identity, dignity, and inclusion.’

Drawing on our fifteen years of experience as a coalition, we emphasise the following ten actions as essential to achieving people-centred land governance. We will work together as a coalition, and with all concerned state and non-state actors, to see that these actions are put into practice.

1. **Respect, protect and strengthen the land rights of women and men living in poverty**, ensuring that no one is deprived of the use and control of the land on which their well-being and human dignity depend, including through eviction, expulsion or exclusion, and with compulsory changes to tenure undertaken only in line with international law and standards on human rights.

2. **Ensure equitable land distribution and public investment that supports small-scale farming systems**, including through redistributive agrarian reforms that counter excessive land concentration, provide for secure and equitable use and control of land, and allocate appropriate land to landless rural producers and urban residents, whilst supporting smallholders as investors and producers, such as through cooperative and partnership business models.

3. **Recognize and protect the diverse tenure and production systems upon which people’s livelihoods depend**, including the communal and customary tenure systems of smallholders, indigenous peoples, pastoralists, fisher folks, and holders of overlapping, shifting and periodic rights to land and other natural resources, even when these are not recognized by law, and whilst also acknowledging that the well-being of resource-users may be affected by changes beyond the boundaries of the land to which they have tenure rights.
4. **Ensure gender justice in relation to land**, taking all necessary measures to pursue both de jure and de facto equality, enhancing the ability of women to defend their land rights and take equal part in decision-making, and ensuring that control over land and the benefits that are derived thereof are equal between women and men, including the right to inherit and bequeath tenure rights.

5. **Respect and protect the inherent land and territorial rights of indigenous peoples**, as set out in ILO Convention 169 and the UN Declaration on the Rights of Indigenous Peoples, including by recognizing that respect for indigenous knowledge and cultures contributes to sustainable and equitable development and proper management of the environment.

6. **Enable the role of local land users in territorial and ecosystem management**, recognizing that sustainable development and the stewardship of ecosystems are best achieved through participatory decision-making and management at the territorial-level, empowering local land users and their communities with the authority, means and incentives to carry out this responsibility.

7. **Ensure that processes of decision-making over land are inclusive**, so that policies, laws, procedures and decisions concerning land adequately reflect the rights, needs and aspirations of individuals and communities who will be affected by them. This requires the empowerment of those who otherwise would face limitations in representing their interests, particularly through support to land users’ and other civil society organizations that are best able to inform, mobilize and legitimately represent marginalized land users, and their participation in multi-stakeholder platforms for policy dialogue.

8. **Ensure transparency and accountability**, through unhindered and timely public access to all information that may contribute to informed public debate and decision-making on land issues at all stages, and through decentralization to the lowest effective level, to facilitate participation, accountability and the identification of locally appropriate solutions.

9. **Prevent and remedy land grabbing**, respecting traditional land use rights and local livelihoods, and ensuring that all large-scale initiatives that involve the use of land, water and other natural resources comply with human rights and environmental obligations and are based on:

   » the free, prior and informed consent of existing land users;

   » a thorough assessment of economic, social, cultural and environmental impacts with respect to both women and men;

   » democratic planning and independent oversight; and

   » transparent contracts that respect labour rights, comply with social and fiscal obligations and are specific and binding on the sharing of responsibilities and benefits.

   Where adverse impacts on human rights and legitimate tenure rights have occurred, concerned actors should provide for, and cooperate in, impartial and competent mechanisms to provide remedy, including through land restitution and compensation.

10. **Respect and protect the civil and political rights of human rights defenders working on land issues**, combating the stigmatization and criminalisation of peaceful protest and land rights activism, and ending impunity for human rights violations, including harassment, threats, violence and political imprisonment.
O Mecanismo de Facilitação da Participação da Sociedade Civil no CONSAN-CPLP considera que, dois anos após a ratificação pela Cimeira de Chefes de Estado e de Governo da CPLP da Estratégia de Segurança Alimentar e Nutricional da Comunidade (ESAN-CPLP), pouco significativo foi feito pelos Estados membros e pela Comunidade. Com isto, a Comunidade pode estar a perder uma das suas maiores oportunidades de passar de uma grandiloquência verbal a actos concretos em prol da luta contra a fome, defraudando assim a expectativa de milhões de cidadãos nos Estados membros.

No final de Abril de 2014, a sociedade civil da CPLP que integra a Rede da Sociedade Civil para a Segurança Alimentar e Nutricional na CPLP (REDSAN-CPLP) e a Plataforma de Camponeses da CPLP, em carta aberta ao Secretario Executivo da CPLP, ao seu director da Cooperação e ao representante da FAO junto da sede da CPLP, apresentou o seu profundo desagrado pela inércia existente e alertou para o atraso significativo na implementação da ESAN-CPLP, tendo nessa oportunidade destacado a falta de prioridade política conferida e algum desconhecimento aparente sobre os mecanismos para a implementação da estratégia. A sociedade civil questionou, ainda, a não efectivação do apoio previsto para a operacionalização do Mecanismo de Facilitação da Participação da Sociedade Civil no CONSAN-CPLP.

A falta de prioridade política conferida à implementação da ESAN-CPLP revelou-se em vários aspectos, destacando-se:

i) a não realização do orçamento mínimo para o funcionamento da Estratégia por parte dos Estados-membros, conforme previsto nos estatutos do CONSAN-CPLP. Verifica-se que, nestes dois anos, apenas três países da CPLP (Moçambique, Portugal e Angola) terão contribuído com os recursos acordados (20.000 USD / ano) para a implementação da ESAN-CPLP;

ii) a não implementação dos planos de actividades aprovados na 1ª Sessão do CONSAN-CPLP realizada em Maputo e do subsequente plano de contingência aprovado na IV Reunião do Secretariado Técnico da ESAN-CPLP realizado em Cabo Verde em Novembro de 2013;

iii) a não efectivação do apoio previsto para a operacionalização do Mecanismo da Sociedade Civil do CONSAN-CPLP;

iv) a não realização da reunião ordinária do CONSAN junto à Cimeira de Chefes de Estado e de Governo em Díli em Julho de 2014.
A não realização da reunião presencial ordinária do CONSAN-CPLP, em Julho de 2014 em Timor Leste, é inaceitável para a sociedade civil, já que este órgão deveria discutir propostas a apresentar à X Cimeira de Chefes de Estado e de Governo. A não realização do CONSAN-CPLP, onde participariam os representantes eleitos da sociedade civil, demonstra o momento difícil que a implementação da ESAN-CPLP enfrenta. Não se trata de um atraso mas sim de um retrocesso grave que ilustra a inoperância da Estratégia, a falta de entendimento de alguns responsáveis dos Estados membros sobre a sua centralidade e mecanismos para implementação e, sobretudo, a escassa prioridade política para com a mesma.

A sociedade civil entende que a opção mais efectiva para uma eventual retomada do processo será um renovado compromisso político por parte dos Chefes de Estado e de Governo e mudanças institucionais que permitam fazer avançar um processo que, embora quase morto, ainda gera justificadas expectativas a milhões de pessoas na Comunidade.

A reactivação da ESAN-CPLP não é uma das escolhas possíveis na encruzilhada em que se encontra a CPLP. Ela é a única opção para promover de forma inteligente a retoma e o desenvolvimento económico em todos os países da Comunidade. Eliminar a fome e pobreza não é um acto de caridade. É um Direito Humano fundamental e uma poderosa alavanca de desenvolvimento económico.

Neste contexto, e tendo em conta que a Sociedade Civil cumpriu cabalmente com as suas obrigações delineadas no quadro da ESAN-CPLP, mesmo sem recursos atribuídos para tal, e que é do seu interesse a consolidação do diálogo, solicitamos:

- a convocação de uma reunião extraordinária do CONSAN-CPLP por parte do novo Presidente do CONSAN-CPLP que assumirá posse durante a X Cimeira e com o avale de dois terços dos Membros, como estipulado nos Estatutos do CONSAN-CPLP;
- a garantia da participação dos Mecanismos já constituídos, entre os quais o Mecanismo de Facilitação da Participação da Sociedade Civil, na preparação da agenda e realização da reunião extraordinária do CONSAN-CPLP;
- a consagração do tema “Segurança Alimentar e Nutricional” na agenda das Cimeiras de Chefes de Estado e de Governo;
- a alocação imediata dos recursos aprovados e previstos para a estruturação e funcionamento do Mecanismo de Facilitação da Sociedade Civil no CONSAN-CPLP, na proporção das contribuições já realizadas por parte dos Estados membros;
- a realização do orçamento mínimo por parte dos Estados Membros para o funcionamento da ESAN-CPLP, conforme previsto nos Estatutos do CONSAN-CPLP.

15 de Julho de 2014

O Mecanismo de Facilitação da Participação da Sociedade Civil no CONSAN-CPLP
As organizações da sociedade civil da CPLP que integram o Mecanismo de Facilitação da Participação da Sociedade Civil do CONSAN-CPLP

Grupo de Trabalho sobre Segurança Alimentar e Nutricional de Angola

FBSSAN – Fórum Brasileiro de Soberania e Segurança Alimentar e Nutricional

PONGs – Plataforma das ONGs de Cabo Verde

RESSAN-GB – Rede para a Segurança e Soberania Alimentar e Nutricional da Guiné-Bissau

ROSA – Rede de Organizações pela Soberania Alimentar em Moçambique

REALIMENTAR – Rede Portuguesa pela Soberania e Segurança Alimentar e Nutricional

RESCSAN-STP – Rede da Sociedade Civil para a Segurança Alimentar e Nutricional de São Tomé e Príncipe

UNACA – União Nacional das Associações de Agricultores e Cooperativas Agro-Pecuárias de Angola

CONTAG – Confederação Nacional dos Trabalhadores na Agricultura

Associação Pequenos Agricultores de Cabo Verde

Federação Camponesa KAFO

UNAC – União Nacional dos Camponeses de Moçambique

CNA – Confederação Nacional da Agricultura

FENAPA – Federação Nacional das Associações de Pequenos Agricultores de São Tomé e Príncipe
Acknowledgements

This action research document was prepared by ACTUAR – Cooperation and Development Association, with the assistance of Joana Rocha Dias and the participation of the CPLP Peasants’ Platform (comprising UNACA – Angola National Peasants Union; PONG – Cape Verde NGO Platform; UNAC – Mozambique National Peasants Union; KAFO – Peasants Federation of Guinea-Bissau; and FENAPA – Federation of Peasant Associations of São Tomé and Príncipe). Civil society organisations from the countries involved also contributed, namely ORAM (Mutual Aid Rural Association) from Mozambique and ADRA (Action for Rural Development and the Environment) from Angola. The research was financed by the International Land Coalition (ILC), though the views expressed in this document are those of the author organisations alone.

ILC wishes to thank the following donors, whose support made this research possible

The contents of this work may be freely reproduced, translated, and distributed provided that attribution is given to the International Land Coalition, and the article’s authors and organisation. Unless otherwise noted, this work may not be utilised for commercial purposes. For more information, please contact info@landcoalition.org or go to http://creativecommons.org/licenses/by-nc/3.0


The ILC Secretariat would appreciate receiving copies of any publication using this study as a source at info@landcoalition.org

ISBN: 978-92-95105-02-7
ILC Mission
A global alliance of civil society and intergovernmental organisations working together to promote secure and equitable access to and control over land for poor women and men.

ILC Vision
Secure and equitable access to and control over land reduces poverty and contributes to identity, dignity, and inclusion.