Food and Agriculture Organization of the United Nations

10th anniversary of the VGGT

Thursday, 6 October | 09:00–17:00 CEST

Friday, 7 October | 09:00–13:00 CEST

Commemorating the 10th Anniversary of the CFS VGGT

"A decade of the CFS VGGT: assessing progress and enhancing accountability"

Session 1: Reflection on 10 years of VGGT Application

Moderator: *Francesca Romano, FAO*
Panelists:

- *Marc Wegerif on behalf of WHH, ILC, GIZ*
- *Benjamin Davis, FAO*
- *Daniel Hayward, Land Portal*
- *Musa Sowe, ROPPA*
- *Annalisa Mauro, ILC*
- *Robert Lewis-Lettington, GLTN*

Objective:
The objective of the Session was to create a common ground for discussion to the entire event, by providing an overview of the uptake, impacts and gaps of VGGT application, emerging from various assessment conducted by different organizations directly involved in the dissemination and use/application of the VGGT at country level.

Key issues/reflections emerged

- VGGT seen as influential in many of the countries, a progressive land tenure standard, that influenced a number of policy and legal processes, and have contributed to raising awareness about importance of good governance of tenure and steps to it from community to national levels, and progress made in fields such as recognition and protection of women's land rights and customary tenure rights. Impact of VGGT is also evident at local level, thanks to the flexibility of the instrument itself and how it can be used. Finally, the VGGT have filled a gap on the absence of an intergovernmental forum or framework on land.
- However, the scale of challenges and limitations, although varies from country to country, is still very relevant including elite capture, policy resistance, limited budget allocation, growing and pervasive inequality, lack of civic spaces for many actors, land grabbing, non the last some disillusionment with lack of real change (just to mention some).
- VGGT application should not be seen in isolation from political economy, local political context and imbalances of power and vested interests.
- Among the triggers for more evident uptake of a voluntary instruments the resource availability, especially when conditioned to the VGGT use and role of CSO.
- Lack of data to assess and monitor the VGGT uptake is broadly recognized as one key limiting factor and shortcoming of the past 10 years of VGGT life (defined as Data Deficit), although several initiatives have helped

to zoom in into some specific aspects of VGGT impact (e.g. land investments or tenure security perception). The fragmented evidence on the VGGT impact has also led to the reduced momentum over time of the VGGT.

- It is important however to distinguish between lack of evidence, caused by limited impact or rather by limited data collection, systematization, as well as agreement (or disagreement) on the meaning of VGGT implementation: what should we monitor? And how we can attribute a specific change to the VGGT, e.g. in tenure security?
- Question was raised about the approach utilized in the application of the VGGT over the years, which some define as 'technocratic' , where technical and sectoral approach (e.g. capacity development , legal support, land administration) has prevailed over a more political approach looking at structural causes of land insecurity, or versus a Human Rights Based approach. How far can only a technocratic approach go?
- The session also called for more efforts towards the implementation of policies and laws (where Policies are often more progressive than laws), inspired by the VGGT and not only: in this regard, MSP can play a crucial role.
- Looking ahead, it is important to focus on collective action, data, VGGT mainstreaming in the global development work including Climate Change, migration, peace instability
- A proposal/request was made for the organization of a new International Land Conference on Agrarian Reform in order to properly address the issue of land concentration and power imbalances. It was felt that such a conference could provide adequate space to smallholder farmers and social movements who felt they did not maintain the central role in the land agenda debate, as initially foreseen when the VGGT were adopted.
- An appeal to join forces towards a more concerted effort to maintain land high in the political debate, while respecting different views, mechanisms roles and constituencies.

Session 2: The Political Economy of Land

Moderator: *Sylvia Kay, The Transnational Institute*
Panelists:

- *Dr. Abouba, the Niger*
- *Matt Sommerville on behalf of USAID*
- *Fausto Torrez, ATL-CLOC-LVC, Alianza CIP, Nicaragua*
- *Angel Lazo Strapazzón, MOCASE-LVC, Alianza CIP, Argentina*
- *Adriano Campolina, FAO*
- *Dario Mejia, Chair of the UNPFII*

Objectives:

1. Collectively examine key dimensions of land politics: the politics of who gets what rights and access to which land, for how long and for what purposes, and who gets to decide;
2. Better understand how these questions of land politics, which touch on fundamental power relations, condition the potential and limits of the VGGTs to address key tenure related issues across a range of scales and contexts.

Key issues/reflections emerged:

- Panellists from a variety of different backgrounds including those engaged in government, multilateral institutions, donor agencies, rural workers' organisations, and indigenous peoples' organisations were asked to respond to a series of questions.
- Speaking to the key political economy obstacles they have faced in their work relating to the VGGTs and lessons learned, panellists shared a number of challenges. These included, inter alia, continued dispossession of land and infringement of legitimate tenure rights; stalled processes of agrarian reform; the difficulty of working in contexts marked by problems of corruption and self-dealing of land; how to give visibility and voice to the most vulnerable

and marginalised; and the complexity of addressing issues which impact on tenure but go beyond land policy such as policies related to investment, development, and climate change.

– Panellists shared experiences relating to multi-stakeholder platforms that have emerged around the VGGTs, particularly with regards to how they can best address asymmetries of power between different actors. Panellists noted the diversity of such platforms in terms of how and at what level they operate and the political processes that gave rise to them. A number of panellists stressed the importance of investing in capacity building and collective action processes in order to reduce the barriers to engagement by marginalised groups and transform platforms into meaningful spaces of dialogue. Consistent funding for such platforms as well as identifying 'champions' within particular sectors who can demonstrate commitment and take outcomes forward were also identified as factors to help build momentum and success.
– Lastly, panellists shared their perspectives on priorities for the way forward when it comes to using the VGGTs in light of the broader political economy challenges that were touched upon in the session. The importance of continuing to secure the tenure rights of the most vulnerable was emphasized alongside support for family farming and the collective rights of indigenous peoples. In terms of implementation strategies for the VGGTs, lack of coordination between different actors was identified as an ongoing challenge, demonstrating the need for systematising and socialising experiences in using the VGGTs based on sound evidence and data. The importance of building bridges between the VGGTs and other key processes dealing with climate change and conservation was also highlighted. It was felt by some that time was ripe for a new global convening around land tenure issues, whether in the form for example of an International Conference on Agrarian Reform or a Global Land Summit.

Session 3: Mainstreaming, visibility and re-commitment to VGGT

Moderator: *Doug Hertzler, Action Aid*
Panelists:

- *Ward Anseeuw, ILC*
- *Chris Penrose Buckley on behalf of the GDWGL*
- *Sasha Alexander, UNCCD Secretariat*
- *Barbara Schreiner, Water Integrity Network Association*
- *Ombretta Tempra, UN Habitat/The Arab Land Initiative*
- *Tai Pelli, International Indian Treaty Council (IITC), Puerto Rico*
- *Mark West, Landesa*

Objectives:

This session focused on commitment to the VGGT (Tenure Guidelines) in strategies, policies and programs. It included case studies connected to the implementation of the Tenure Guidelines as part of the UN Convention to Combat Desertification, the Arab Land Initiative, and to defend forest tenure rights in southeast Asia. Analysis covered the challenges and needs presented by the omission of water tenure rights in the Guidelines, and the lack of widespread implementation by states and the need to disseminate and use the Guidelines at the local level. The panelists presented analysis, reflections and proposals from Indigenous Peoples, civil society, governmental donors and multi-lateral organizations.

Key issues/reflections emerged:

– The VGGT have been invaluable in providing stakeholders with consensus-based guidance on tenure rights for a variety of multi-lateral initiatives. Collaboration between the UNCCD and the FAO has resulted in an action oriented Technical Guide integrating the Tenure Guidelines (VGGT) into the efforts of UNCCP parties to combatting desertification, land degradation and drought.
– The VGGT have provided the basis for the Arab Land Initiative to empower some 2000 land governance champions and more than 50 organizations on key land rights issues including on women's land rights, climate

action, food security and poverty alleviation, and peacebuilding. Much more is needed. Global actors should enable and facilitate regionally / nationally / locally-owned and -led interventions.

- Despite the consensus in endorsing the Tenure Guidelines, most UN members states are not implementing them. There are so many human rights violations against land rights defenders that the UN rapporteurs cannot keep up. Climate disasters and inequality are getting worse, even though the VGGT provide ways to address these. There is a need to make a plan of action, such as a holding international agrarian reform conference, to make use of the Guidelines, and to take action starting from the community level on up.
- There is an immediate need for a shift in the pace of action on land governance. Members of the "land community" are proposing that there be a global leadership summit on land tenure to make political commitments and that prior to this a global forum or dialogue should be started to establish strategic direction. There is a proposal to hold a preliminary meeting on the side of the World Bank Land Conference. Other needed actions include establishing a global accountability mechanism to track progress and a means to catalyze and increase funding.
- Development pressure on forest communities has accelerated in recent years, the strengthening of tenure rights through the VGGTs has emerged as a counterbalance. While implementation has been inconsistent, there are examples from southeast Asia that show paths forward to better protect the tenure rights of women and men in upland forests and coastal mangrove areas. If further developed, these tenure regimes can improve the livelihoods of Indigenous groups and ethnic communities, while reducing deforestation and mitigating climate change.
- Water tenure governance and land tenure governance are completely intertwined and without water there is no food. Water was left aside when the VGGT were negotiated, because it was seen as too complicated, but the VGGTs provide precedence for recognizing bundles of rights, shared rights, and legitimate tenure rights that are not formalized. Guidelines for water tenure are needed. Protection and prioritization of customary water tenure would require governments, as duty bearers, to prevent, for example, water grabs by powerful third parties from impacting negatively on access to and use of water of local small-scale users.
- For donors the VGGT have been the key reference for point. Though the VGGTs speak to states, there is quite a lot of guidance applicable to the private sector and the donors have worked on that. But there hasn't been the implementation and the recognition and protection of legitimate tenure rights that is needed. International guidelines don't protect land rights, governments need to do that. Its not a lack of capacity, it's a lack of political will. In many cases those in power have something to lose. The text of the Guidelines isn't the starting point. There is a need to create momentum for reform and when something happening the VGGT can be used to understand how it should be done.

Session 4: Monitoring, Evidence and Data

Moderator: *Daniel Hayward, Land Portal*
Panelists:

- *Malcolm Childress - Global Land Alliance (joining virtually from USA)*
- *Frederike Klümper - TMG (Think Tank for Sustainability)*
- *Harold Liversage - IFAD*
- *Laura Meggiolaro - Land Portal*
- *Francesco Maria Pierri - FAO (Global Land Observatory)*
- *Mika-Petteri Törhönen - World Bank (virtually joining from Singapore)*
- *Tony Piaskowy - Cadasta*

Session aim:

The session aims to ask challenging questions on the monitoring of multilateral development mandates and the use of data to do so. Are complex programs to address land agendas accompanied by suitable monitoring mechanisms? Is this information accessible, or are we in need of a radical rethink? This session will be expand on discussions from

the first day of talks on the application of the VGGT, to home in on their monitoring and what this means for the future success of the guidelines.

Session statements and key issues/positions:

Round 1: The Reality of Monitoring
Monitoring is just a box-ticking exercise to validate a land governance project, rarely providing clear data for an effective assessment, or allowing for project adaptation where necessary.

- There is a variety of monitoring effectiveness, with some institutions claiming a rigorous system, and others citing limitations, such as through limited budgets.
- Despite self-awareness on monitoring processes, and efforts to update methodologies, there remain deficiencies such as in information on the VGGTs after 10 years of implementation.

Round 2: Getting the Right Data

- There is lots of data out there, but it is scattered, from uncoordinated sources, lacking longitudinal focus, and with much of it kept behind institutional walls. This holds back a productive monitoring system.
- Much land data remains fragmented, incomplete and closed.
- There are particular challenges in collecting time-series data.
- In general, open data is seen as positive but can in certain instances be used against communities, resulting in land loss.
- Powerful actors may continue to restrict access to data.

Round 3: Future Processes

- We need to do away with monitoring altogether and stick to case studies and best practices as a means to report on the development of a project. Only a true locally sited approach of co-creation can result in effective land tenure governance.
- There is no 'one-size fits all' for monitoring and data collection.
- A case-based approach can help let participating communities to co-create monitoring systems.
- Producing data over time can also become a burden to communities.

Session 5: Accountability

Moderator: *Jes Weigelt, TMG*
Panelists:

- *Sara Ferrau, BMEL*
- *Alphajoh Cham, Sierra Leone*
- *Ilse Pelkmans, TMG*
- *Kate Chibwana, ILC/Malawi National Land Coalition*
- *Daniela Vega, FENSUAGRO-CLOC-LVC, Alianza CIP, Colombia*
- *Francisco Carranza, FAO*
- *Chiara Cirulli, CFS*

Objectives:

The critical role of accountability was a key thread throughout the two-day event. Discussions in this session focused on who and what can be the best leverage to hold governments accountable for implementing the VGGT.

Key issues/reflections emerged:

- VGGT implementation requires alignment with States' obligations under the Universal Declaration of Human Rights and other international human rights instruments. Given that weak accountability structures often hamper the full implementation of the VGGT, using a rights-based approach to promote responsible land governance can be a powerful starting point to contribute to greater accountability. Being assured that land claims are underpinned by human rights can empower rights holders to hold those in power accountable to implement the VGGT and secure their tenure rights.
- Importance of raising awareness at local level and mobilizing communities to claim their rights and increase pressure on governments to secure tenure rights. There are many actors working to protect and enforce legitimate land rights, including government agencies, local CSOs, international organizations, and land rights defenders. Collaborative efforts are needed to strengthen accountability from different perspectives, but there are also many examples of good practice already in place.
- The critical role of traditional leaders is often neglected, despite their potential to be an important lever for strengthening accountability, for example through their role in clarifying tenure rights and mediating in land conflicts.
- The voluntary nature of the VGGT means that the ability of the Committee on Food Security (CFS) to hold member states accountable is currently limited. The approach taken so far is to promote the implementation of the VGGT and organize "mutual learning moments" to generate peer pressure — such as the Global Thematic Events on the VGGT in 2016 or Voluntary National Reports submitted to the High-Level Political Forum (HLPF). The issue of whether the CFS "can do more" or work differently to hold members accountable will be tabled at the 2023 CFS strategy session, with one of the agenda points to be a discussion on whether we need a follow up Global Learning Event on the VGGT, since the last one was in 2016.
- Improved accountability requires multiple factors to be in place: communities need to have the capacity to face private sector and governments to stand up for their rights. Power imbalances within local communities need to be addressed, transparent processes for Free Prior and Informed Consent need to be in place. Access to justice needs to be guaranteed by strengthening the legal system and training judges. Where there is political will to work on these aspects, FAO provides support.
- Collective action is needed to hold governments accountable and to achieve rights.
- States have the obligation to build an enabling environment for protecting rights and for rights holders to claim these rights.
- Ultimately, as highlighted by many speakers over the two days, strengthening responsible governance of tenure requires system-wide transformation, and this cannot happen without a shift of power.

Closing remarks

On behalf of FAO and as the Land Tenure Team Leader, Adriano Campolina thanked all the panelists for their valuable contributions and confirmed that FAO will continue to bring together this diverse set of stakeholders to advance collaboration on re-building the momentum on tenure rights.

FAO will continue to support ways to address power asymmetries in the MSPs and convene sessions to share these experiences, as well as, seeking with CFS, the possible pathways to advance the implementation of VGGT monitoring & accountability and will contribute to sharing information and jointly strategize towards advancing tenure rights in COP 27 and COP 15.