



# LAND GOVERNANCE

*A REVIEW AND ANALYSIS OF KEY INTERNATIONAL FRAMEWORKS*

*SECURING LAND AND PROPERTY RIGHTS FOR ALL*

## **Land Governance: A Review and Analysis of Key International Frameworks**

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HS Number: HS/072/17E

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**Editorial Review:** Victoria Quinlan, Judith Mulinge and Hellen Nyamweru

**Sponsors:** The Netherlands Government, the Norwegian Government and Swedish International Development Cooperation (SIDA)

**Layout and Printing:** UNON, Publishing Services Section, Nairobi, ISO 14001:2004 certified



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## ABBREVIATION/ACRONYMS

AU	African Union
AfDB	African Development Bank
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CFS-RAI	Principles for Responsible Investment in Agriculture and Food Systems (endorsed by the Committee on World Food Security)
FAO	Food and Agriculture Organization of the United Nations
F&G	Framework and Guidelines on Land Policy in Africa
FPIC	Free, Prior and Informed Consent
GLTN	Global Land Tool Network
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IFC	International Finance Corporation
ILO	International Labour Organization
LSLBI	Large-Scale Land-Based Investment
LSLBI Principle	Guiding Principles on Large-Scale Land-Based Investment in Africa
M&E	Monitoring and Evaluation
NUA	New Urban Agenda
OECD	Organization for Economic Cooperation and Development
SDG	Sustainable Development Goal
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNCBD	United Nations Convention on Biodiversity
UNECA	United Nations Economic Commission for Africa
UN-Habitat	United Nations Human Settlements Programme
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security

## EXECUTIVE SUMMARY

This study presents the key provisions on land governance of all recent international frameworks, analyses which new issues appeared, which old ones have gained additional support and those which have received less attention. The study also discusses the particularities, strengths, weaknesses and challenges of the individual frameworks, as well as similarities, differences and complementarities between the new frameworks and between the new and previous – still applicable – frameworks. Finally, the study shows how land governance contributes to the achievement of key development objectives, stressing the importance of land governance for overall sustainable development.

The establishment of land governance regulating access to, use of and control over land responsibly to the equal benefit of all plays a key role in the realization of human rights as well as in the achievement of key development objectives.

The enjoyment and regulation of land tenure rights and the realization of human rights are closely interwoven. On the one hand, there are human rights that justify striving after land governance, such as the right to own property, the right to adequate food, and the right to adequate housing. On the other hand, land governance includes and requires the realization of certain human rights, such as freedom from discrimination, the right to freedom of opinion, the right to freedom of assembly and expression and the right to effective remedy (for details, see 2.1).

Land governance contributes to the achievement of the following development objectives: poverty reduction, food security, gender equality, economic development, sustainable infrastructure, balanced territorial development, sustainable cities and communities (including adequate housing), responsible consumption and production, climate change mitigation and adaptation, environmental protection, resilience, post-disaster/

post-conflict redevelopment as well as social stability, peace and security (for details, see Chapter 4).

The new development agenda recognizes the crucial role of land (governance) to sustainable development. All five key frameworks listed below explicitly mention it and refer to a broad range of land governance issues tackling all key aspects.

The following frameworks have been identified as the most relevant key international frameworks for land issues:

- ❑ The 2030 Agenda for Sustainable Development (SDG)
- ❑ The New Urban Agenda (NUA)
- ❑ The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT)
- ❑ The Framework and Guidelines on Land Policy in Africa (F&G)
- ❑ The Guiding Principles on Large-Scale Land-Based Investment in Africa (LSLBI Principles)

Other recent important frameworks are: Declaration on the Rights of Indigenous Peoples, Pinheiro Principles, Sendai Framework, COP 21 Paris Agreement, and Aichi Biodiversity Framework. (Long) before these frameworks were established, a broad range of international instruments and resolutions – voluntarily as well as binding – had been negotiated focusing on specific aspects of land governance, their provisions being still relevant for today's interventions in the land sector and some of them receiving additional/new support through the new development agenda. (For an overview on all relevant international and regional frameworks see 2.2.).



## EXECUTIVE SUMMARY

One similarity in the five key international frameworks is the attention that they pay to land as a key element for sustainable development. Another commonality is that all five frameworks are based on human rights. The three frameworks exclusively dealing with land governance all refer to the linkage between the enjoyment of land rights and those of human rights.

All five key frameworks are based on the same understanding of land governance aiming at the same key objectives (creation of tenure security for all and realization of sustainable use of land) and referring to the same key concepts/ideas, such as the relevance of plurality of tenure systems and the central role of responsible governance (for details see 3.2).

A similarity of all these frameworks is their voluntary nature. None of the frameworks is legally binding, which may constitute a major constraint on their implementation. In addition, none of the frameworks is linked to a financial mechanism and they are all rather silent on how the goals and principles are supposed to be achieved.

The main differences are that the SDGs and NUA refer to the broader aspects of sustainable development, whereas the VGGT, the F&G and the LSLBI Principles

development and implementation (including the recognition of customary tenure rights) and the creation of safeguards for responsible large-scale land-based investments.

Another difference is that only the SDGs provide indicators that allow for the monitoring of its implementation. Several indicators refer to security of tenure and sustainable land use. Given the complementarity of the frameworks, these indicators can also be used to partly monitor the implementation of the other frameworks.

The current international frameworks on land governance suffer from only a few gaps. The main gaps are that it is rather silent on the over-all lack of transparency in land administration, urban land grabbing and does not give a lot of attention to the state's duty to regulate the use of land.

Concerning the challenges, the study makes the following recommendations:

The voluntary nature: All five key frameworks are voluntary. But they are also all explicitly based on human rights, of which most are included in legally-binding documents. It is, therefore, important to stress the linkage between the enjoyment and regulation of tenure

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