



المؤتمر العربي الثاني للأراضي

Second Arab Land Conference

22-24 FEBRUARY 2021
CAIRO, EGYPT

Technical Session 3: Land Management and Administration: Tools and Practices

New land governance approaches in Mauritania and Tunisia: From VGGT principles to change

Rome, 16 February 2021

Author(s):

Jean-Maurice Durand, Senior Land Tenure Officer, FAO. jeanmaurice.durand@fao.org

Ingeborg Gaarde, Land Tenure Specialist, FAO. Ingeborg.gaarde@fao.org

Keywords: Voluntary Guidelines on the Responsible Governance of Tenure, VGGT, participatory approaches, multi-stakeholder platforms, inclusive policy dialogue, Free, Prior and Informed Consent (FPIC).

Executive summary

This paper presents how the active use and contextualisation of the principles of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) by national stakeholders in Mauritania and Tunisia contributed to changing the approach to tackling tenure challenges in the two member countries of the Maghreb Arab Union.

In Mauritania, we see how the model of establishing multi-stakeholder platforms (MSPs) involving all concerned actors - in line with the recommendations of the VGGT - has been set up at national, local and regional level. This approach has helped to solve local land issues and disputes, prevent conflicts and influenced the national land tenure reform process in the country to take into consideration the needs of all affected stakeholders, including the most marginalized groups.

In Tunisia, we see how interactive trainings helped to strengthen capacities of technical staff of the *Agence du Foncier Agricole* (AFA – Agricultural Land Agency) to implement a participatory approach to improve land consolidation projects. This approach has been a radical change from the dominant top-down approach often applied by practitioners on the ground. We also see how exchanges of experiences, innovative tools and approaches have led to new synergies and partnerships.

Lastly, we learn how the VGGT and participatory approaches inspired stakeholders in both countries to prepare concrete tools to address tenure challenges in their own country context. This paper presents concrete examples of how local stakeholders in both countries were motivated to make active use of Free, Prior and Informed Consent (FPIC) principles to prepare their own manuals as a guide to improve governance of tenure in their respective countries.

The experiences from Mauritania and Tunisia presented in this paper are promising examples of how national stakeholders, and in particular so-called “change agents”, including surveyors, local leaders, judges, decision-makers and civil society actors, can make use of the VGGT to transform key principles of participation and consultation into concrete action and change.

Table of contents

	Page
Executive summary	2
Table of contents	2
Introduction / background of the content	3
Methodology	4
Section 1: Building a participatory and inclusive approach to land tenure in Mauritania	4
Section 2: Improving land management practices in Tunisia	6
Section 3: Designing FPIC manuals: Contextualized capacity tools for change	8
Conclusion	9

Introduction / background of the content

The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT)¹ were endorsed by the Committee on World Food Security in May 2012. Developed in the context of increasing pressure on land, following the 2008 food crisis, these Guidelines have been a catalyst leading to improvements in conditions under which land is held or occupied in agricultural sectors. The Guidelines address problems of weak governance of tenure and the growing pressure on natural resources, assisting countries to achieve food security for all. Since 2012, FAO has been working in 58 countries providing assistance to the implementation of the VGGT, including trainings, capacity development and technical support to national agendas (assessment, formulation and implementation of relevant national policies and laws, development of innovative land governance approaches, etc.).

Between 2016 and 2017, the Guidelines were introduced in Mauritania and Tunisia, through national, regional and local multi-stakeholder workshops, projects and learning programmes. In both countries, the governments expressed interest in mainstreaming the VGGT principles in their land tenure agenda in order to change the respective land governance approaches and practices. Both governments requested FAO's support for that purpose.

This paper focuses on 'participation' and 'consultation', which are key implementing principles of the VGGT. They underline the importance of 'active, free, effective, meaningful and informed participation' of all those with legitimate tenure rights affected by any decision-making processes' (VGGT, paragraph 3b, implementing principle number six).

The VGGT also reiterate the importance of effective consultations before the launch of any investment project and 'before the adoption and implementation of administrative or legislative measures affecting the resources for which communities hold rights' (VGGT paragraph 9.9). This is the spirit of the Free, Prior and Informed Consent (FPIC) principle, which we will further discuss in section 3.

The rationale is that broad participation and active engagement of all affected stakeholder groups in dialogues and decision-making processes, leads to more acceptable, legitimate, coherent and sustainable solutions.

As with other principles of the VGGT, participation and consultation remain voluntary and they do not outline how participation and consultation should be undertaken. However, the VGGT encourage governments to set-up multi-stakeholder platforms and frameworks at local, national and regional levels to improve and monitor responsible governance of tenure (VGGT paragraph 26.2).

As illustrated by the case of Mauritania (section 1), this model has proven successful in bringing governmental and non-governmental actors together - across sectors and at different levels - to find common solutions to complex tenure challenges.

In the following sections, we will see how VGGT inspired principles of participation and consultation have given birth to innovative land tenure approaches in Tunisia and

¹ <http://www.fao.org/3/i2801e/i2801e.pdf>

Mauritania. In both countries, the participatory model remains new and the approach was therefore carefully contextualized in the two countries.

Methodology

This paper is the result of a qualitative ex-post assessment of the approaches developed under two FAO projects: (i) “An improved governance of tenure for a shared prosperity in the Senegal River Basin”, funded by the Government of Germany and co-implemented with the Senegalese think tank IPAR² (*Initiative Prospective Agricole et Rurale*); and (ii) Support to the Tunisian Agricultural Land Agency (AFA), a component, funded by Switzerland, of the FAO VGGT implementation programme.

The data come from first-hand observations during project implementation, note-taking, interviews, and informal exchanges with participants of six workshops, five field missions and four capacity development activities led in the period 2016-2020 at national and local level in both countries. Moreover, in Tunisia, a survey was prepared to track the results of the training sessions and the results have also been incorporated in this reflection, as well as the findings of another survey undertaken in Mauritania with the different stakeholders involved in land governance to measure the impact of the MSPs at different levels.

Section 1 / Building a participatory and inclusive approach to land tenure in Mauritania

In Mauritania, since 2016, the government has been initiating a transparent, inclusive and participatory land reform process in order to adapt its legal instruments in view of food security and achievement of the sustainable development goals in its rural territories.

To support this State commitment, a national multi-stakeholder platform (MSP) on tenure governance was created, bringing together governmental and non-governmental actors. The inclusive platform, as well as a steering committee, were officially set-up during a national multi-stakeholder workshop in October 2017. This event was an opportunity to officially present the VGGT and the African Union’s Framework and Guidelines on Land Policy (F&G), to explain their complementarity and their respective principles and to discuss their possible use in Mauritania’s reform context. Logically, the platform was put under the aegis of the National Land Reform Commission. The national dialogue platform developed an action plan to disseminate and implement the VGGT and strengthen relevant key actors’ capacities to take concrete action to improve governance of tenure in the country and to enable them to play an active role in the reform process, an unprecedented approach in Mauritania.

The platform brings together a diversity of stakeholders, including government, civil society, private sector, development partners, women and youth organizations, landowners and traditional leaders. The platform has contributed to the preparation of a national road map, a strategy for improvement of legal and administrative frameworks. The roadmap constitutes a crucial contribution to the reform process and is a result in particular of the

² ‘Success story’ presenting the key results of the Senegal River Basin project: <http://www.fao.org/3/ca9813en/CA9813EN.pdf>

policy dialogue triggered by the project and by the influence exerted on the national land agenda.

It is remarkable that the government recognized the role that the multi-stakeholder mechanism, in particular its civil society component, can play in the reform process and officially stated that it would be the arena for discussing the various options and orientations. Such a dialogue, on this sensitive issue, is an unprecedented event in Mauritania. Until now, tenure governance was traditionally considered and treated as a State affair, without genuine participation of civil society and local communities. The lack of inclusive dialogue with the communities has often been at the origin of social conflicts and contributed to the failure of some public and private hydro-agricultural development initiatives in the past.

With the multi-stakeholder platform in place in Mauritania the national stakeholders created for the first time a peaceful space for dialogue on land, able to contribute to recognizing the legitimate land rights of the more vulnerable (in particular women and youth) and equitable access to natural resources. It brought together administrative structures with socio-professional organizations, civil society and local communities to jointly build proposals and find solutions to improve land governance. A key achievement is therefore to have triggered policy-making processes closer to the people and to their concerns. One of the remarkable results of the platform is that it has led to an increased recognition of the fundamental role that women and youth play in the fight against food and nutrition insecurity and the need to create decent jobs for rural youth.

This dynamic, inclusive and participatory type of dialogue has also been replicated at the local level, in Boghé (Senegal River valley), with the creation of a local multi-stakeholder platform. Administrative structures, local authorities, young people and women organizations, fishermen, pastoralists and private sector representatives joined their efforts to secure tenure rights, with particular attention to the more vulnerable. They prepared an action plan aiming to address the land issue in this region where conflicts are numerous.

As a concrete example, in Dar El Barka, new investors had an allocation agreement from the government to exploit 3,200 hectares to start farming. When the local prefect became aware of this, he convened the local MSP. The members of the platform met with the local population and determined how to work together to deal with the investment. They first issued a report to the authorities to express their disagreement and opposition to the project, which resulted in the project being blocked for further examination. Thus, the platform, by bringing together different actors, generated a change in behaviour (the local government now feels more accountable to the population) and has made it possible to achieve concrete outcomes. Through the local platform, the FAO programme promoted this type of approach based on inclusive consultation, while at the same time conducted training and awareness raising on the role that women and youth should play in land governance to secure their legitimate tenure rights. The overall result is that women and youth are increasingly consulted and involved in decisions at community level. For example, in the community of Dar El Avia approximately one hundred women are now able to operate and manage their plots independently, which was not possible previously. Women have also attained more control over their revenues due to this change in mind-set.

Lastly, together with Senegal, Mali and Guinea, Mauritania is one of the countries in the Senegal River Basin that has taken up the challenge of establishing a regional multi-

stakeholder platform on land governance. The regional platform was set up after a series of missions and consultations with stakeholders organized by IPAR and FAO in 2016. A first regional workshop, held from 30 May to 1 June 2016 in Dakar with 80 participants, was the starting point for this regional MSP. Before this event, regional policy dialogue on land tenure was virtually non-existent among the countries of the Senegal River Basin and even a taboo in many aspects. This issue was essentially considered as a question of national sovereignty, with transborder incidents and conflicts as a common occurrence.

Today this regional platform subsists as a “community of practice” fostering an open dialogue and sharing innovative approaches and experiences among the stakeholders at various levels. Moreover, and more recently (2020), under the aegis of the Senegal River Basin authority (OMVS), the members have engaged in the preparation of a cross-border land policy document that supports the improvement of legal land frameworks in the involved countries, which will incorporate VGGT and F&G principles. This is a remarkable and unprecedented example of building a holistic approach to take action to improve governance of tenure at regional level.

This new positive and inclusive environment, created around the idea of responsible, holistic and participatory governance of tenure in this region, has not only allowed young people, women or vulnerable groups to better defend their legitimate rights, but has also largely contributed to establishing trust and mutual respect among all the different actors across borders and across the country. It is particularly true amongst citizens and administrations, which were not previously really engaged in inclusive debates on land. Given the very positive results of this experience, the national multi-stakeholder platform on governance of tenure and the technical Commission for land reform recommended to replicate the Boghé platform model in other regions. FAO has started to respond to this request and initiated a new project to develop other local platforms in Mauritania, putting a particular emphasis on pastoral land management.

Section 2 / Improving Land Management Practices in Tunisia

In Tunisia, with the national context substantially modified by the 2011 revolution, the Government and the Agricultural Land Agency (*Agence du Foncier Agricole* - AFA) aimed to change their land management and land consolidation approaches and practices, in particular with regard to better taking into account the views and experiences of beneficiaries of agricultural development projects. AFA expressed the wish to take advantage of the VGGT presented to land tenure actors in Tunisia in December 2016, to develop new methodologies. The objective is to better cope with the challenges raised by the new socio-political context of the country. In 2017, the Agency formulated a request to FAO in this regard.

On this basis, a capacity development project, funded by the Swiss Agency for Development and Cooperation, in the framework of the FAO VGGT programme, was jointly designed by FAO and AFA. Aiming more specifically to improve the land management practices and approaches of the technicians and engineers of AFA, this project included the following activities: i) Preparation of a learning needs assessment for AFA staff; ii) Organization of

two training sessions for AFA agents and technicians, in charge of land consolidation operations; iii) Organization of three regional workshops for discussion and reflection on the VGGT and the possibilities they offer to resolve concrete local land issues; iv) Organization of a training session for AFA executives; and v) Organization of exchanges of experiences with three other countries (Bosnia and Herzegovina, Morocco and Turkey), with the aim of sharing experiences and study how to integrate beneficiaries in their respective land consolidation processes.

The two capacity development trainings, co-organized by FAO and AFA, allowed technical staff members from different parts of Tunisia to share their experiences and improve their land management practices in the light of the VGGT principles and recommendations. Through the series of interactive and evidence-based sessions, AFA staff members were able to learn new participatory tools and methodologies to improve their land management practices, especially by enhancing the dialogue with beneficiaries, mainly farmers.

The capacity development programme included tailored trainings identified during the capacity needs assessment conducted in the inception phase of the project, such as prevention and resolution of disputes and conflicts. Unprecedented interactive sessions were organized between judges, lawyers, practitioners and farmers organizations, allowing them to find consensus on methods and approaches for better preventing and resolving land conflicts occurring during land management and land consolidation operations. Other interactive training sessions also allowed participants to develop a contextualized manual based on the FPIC principles (Free, Prior and Informed Consent) aiming at guiding and improving the practices of AFA staff (cf. section 3).

To further allow for local contextualisation of the VGGT and the methods presented during the training session, three regional workshops were organized, one in the north, one in the centre and one in the south of Tunisia. These multi-stakeholder workshops allowed local stakeholders involved in land consolidation operations in different parts of the country to share their experiences and explore the opportunities that the VGGT offer to find solutions to the challenges faced on the ground. Particular emphasis was put on social engineering aspects. The AFA staff learned how to shift progressively from a somewhat too technical and top-down approach to a more concerted approach with the beneficiaries of land development operations, or even to co-decision processes. In the same way, AFA agents studied with judges and project beneficiaries how to prevent conflicts, without necessarily reaching the judicial stage. This last point is beneficial both for the judicial institution, which is clogged up by many land cases, and for the farmers, for whom these procedures are often long and expensive and sometimes traumatic.

After the training sessions and the regional workshops, the participants expressed their readiness to apply the new knowledge and tools in their daily work on the ground. The result of a survey prepared by FAO and AFA to track the results of the VGGT-inspired training programme showed how the AFA staff members made use of the new methods to improve their interaction with the beneficiaries:

As one participant expressed: "We have already started to implement a more inclusive approach. We have learned that it is not enough to think that you understand the farmer; you must listen and build a true dialogue. The participatory approach has mutual benefits as we

need to learn from each other to find the best solutions.” (AFA Technician, survey reply, 29 January 2019).

Several participants stated that the introduction to new participatory methodologies increased their understanding of how collaboration can help to improve coordination, information sharing and transparency to build better land management solutions.

By adopting an integrated and inclusive approach to improve land administration and land management practices, the technicians have not only seen the benefit of a more participatory approach, but also of applying a holistic and sustainable approach, which is another of the ten VGGT implementation principles (VGGT, Paragraph 3B, implementation principles number five).

To further consolidate this knowledge through exchange and learning from good examples of spatial planning, land consolidation and agricultural development in other contexts, and in particular, from their social engineering aspects, a series of exchange visits were organized for AFA staff to Bosnia and Herzegovina, Morocco and Turkey.

Another important aspect of the support provided by FAO to AFA, was the development of new synergies and partnerships to concretely put in practice the participatory approach developed during the trainings. For instance, the PACTE project, implemented by the French Development Agency (AFD) and aiming to strengthen territorial development in the central part of Tunisia, facilitated a session during the capacity development workshops and decided to include a collaboration with AFA to ensure consideration of land tenure during implementation. Thanks to the close collaboration between FAO and IFAD, AFA will also intervene in combined land consolidation – land degradation mitigation operations in the IFAD Project IESS Kairouan, which aims to strengthen economic and social integration of poor farmers in Kairouan Governorate.

Such synergies and partnerships are also key to consolidating the knowledge acquired during the trainings and then for the sustainability and scaling-up of the encouraging results on new participatory approaches presented in this paper.

Section 3 / Designing FPIC Manuals: Contextualized Capacity Tools for Change

Poorly regulated land acquisition has become a major problem, including in the Arab region (Cotula 2013; Fautras 2015; Fautras and Locco 2020), increasingly threatening food security, local livelihoods and sustainable management of natural resources, causing conflicts, environmental damage and violation of human rights. Marginalized social groups are particularly at risk, including indigenous peoples, other customary landowners, women and ethnic minorities.

The VGGT emphasize that ‘responsible investments should not harm, safeguard against dispossession of legitimate tenure rights holders, environmental damage and should respect human rights’ (VGGT paragraph 12.4). The VGGT also remind us that all actions, including launch of investment projects, should be consistent with laws and international commitments that already exist to project and ensure effective consultation and participation of communities (VGGT, paragraph 12.7).

To respect and protect these core principles, a VGGT-inspired technical guide on 'Free, Prior and Informed Consent' (FPIC)³, published by FAO, sets out concrete measures for governments, civil society organizations, land users and investors and other stakeholders to follow.

In Mauritania and Tunisia, FPIC was one of the themes selected by national stakeholders for the implementation of the VGGT capacity development programme. In both cases, this country-tailored programme also included a series of other specific topics, such as conflict prevention and improving governance of pastoral lands; all themes identified to empower local actors to improve responsible governance of tenure in their local context.

In Tunisia, different case studies were presented by participants from several regions, enriching the discussions based on their own experiences. The training sessions led to the elaboration of a contextualized manual on FPIC aiming at improving the practices of the AFA technicians towards a more participatory and inclusive approach. This manual was finalized during the last training session in early 2019.⁴ It is now used by AFA staff to ensure that the land consolidation operations are led with the free prior and informed consent of all concerned farmers (and in line with the legal framework).

In Mauritania, the members of the local multi-stakeholder platform in Boghé also participated in a capacity development session to develop and test new tools, according to the needs on the ground, such as techniques for conflict prevention and FPIC. Throughout the training sessions, the participants discussed and analysed the application and FPIC processes in their local context through interactive group work sessions. At the end of the training, the participants (including government representatives, local authorities and CSOs) reached consensus on a contextualised FPIC Manual including the key principles that should orient future projects and responsible investments in their region.⁵

In two very different countries and contexts, these are concrete examples of how the various partners, whether at national or local level, whether they work for a national agency or are representatives of local authorities and farmers, can make active use of the VGGT inspired principles to build their own tools to improve the land tenure situation on the ground.

Conclusion

This paper demonstrated how innovative participatory approaches have been explored and applied by national stakeholders to improve governance of tenure in the two very different contexts of Mauritania and Tunisia.

The experiences from these two countries of the Arab Region show how participatory and holistic approaches, based on inclusive and peaceful dialogue, have opened new opportunities for local stakeholders, including farmers, pastoralists, and communities, to freely express their views and contribute to decision-making processes and, ultimately, to protect their legitimate tenure rights.

In **Mauritania**, the national multi-stakeholder platform with engagement of community groups, local actors and other often marginalized groups, influenced the national reform

³ <http://www.fao.org/3/a-i3496e.pdf>

⁴ <http://www.fao.org/3/I9968FR/i9968fr.pdf>

⁵ <http://www.fao.org/3/I9489FR/i9489fr.pdf>

agenda and helped to build a truly inclusive land reform process and road map. This dynamic and participatory dialogue was also opened at local level in Boghé, with the creation of a local multi-stakeholder platform to address land tenure issues with the participation of a broad range of different local actors.

Today this governance model has inspired the establishment of local platforms in several other countries, for instance in Guinea, Senegal, and Mali. It is often at this local level – close to the communities - where decisions need to be taken to secure tenure rights and improve the lives of peoples living in rural and urban areas.

In **Tunisia**, new participatory approaches were introduced to national stakeholders with the objective to improve their land management practices based on the principles and recommendations of the VGGT. A series of interactive trainings organized by FAO and AFA helped practitioners to increase the involvement of beneficiaries in land consolidation projects and contributed to more inclusive decision-making processes. This is a progressive step away from the top-down approach that has dominated the way of doing land tenure business in the country so far.

The examples presented in this paper demonstrate how the VGGT can concretely help countries to develop tools and implement new participatory approaches to find solutions to address complex tenure issues, according to the simple following process: awareness raising – shared problem analysis – common research for consensual solutions – preparation of innovative tools and approaches.

In both countries, this process is likely to have contributed to creating a harmonized vision around the following main themes: (i) better access to land and land ownership of vulnerable groups, including women and youth; (ii) strengthening of community involvement in the decision-making processes linked to land issues; (iii) increasing transparency in land governance and increased confidence between authorities and farmers; (iv) strengthened community-based land conflict resolution mechanisms.

The experiences presented in this paper are also expected to trigger further change as the capacities of “change agents” - including surveyors, local leaders, judges, decision-makers and civil society actors - have been strengthened to train and mobilize others on the use of new land tenure tools and methodologies. Moreover, to increase the chance that these changes become perennial, the new methodologies will be anchored, tested and validated in concrete projects, thanks to the partnerships developed during FAO’s interventions.

Thus, the results of the activities are expected to have a greater and long-term impact, as an increasing number of actors in both countries have seen the benefit of improving their practices by applying a more participatory and inclusive approach in their interactions with the beneficiaries on the ground.

Looking forward

The experiences presented in this paper demonstrate how the participative and inclusive multi-stakeholder approach constitutes a promising model to address conflicts and identify solutions to complex tenure challenges.

Nevertheless, despite an increased recognition of the various positive impacts that the participatory approach can have to build sustainable solutions, upholding of the participatory model remains an ongoing challenge.

Governance of tenure – including access to natural resources – remains a sensitive issue in most countries, often strongly linked to political and economic interests. CSOs and in particular those representing marginalized groups, such as women, youth and pastoralists, often find themselves excluded from land tenure dialogues and decision-making processes (FAO, 2016).

The COVID pandemic, which is posing a threat to participatory and inclusive approaches due to national lockdowns and confinement measures imposed by governments, makes even more evident and important the need to further strengthen the capacities of change agents. They can ensure that, in the long term, despite difficult contexts, the participative and holistic approaches become mainstreamed in practices and maintained over time. They can actively contribute to transforming these approaches into concrete actions to improve tenure practices on the ground for the benefit of all, and in particular, for those most affected by tenure insecurity.

References

Cotula, L. 2013. "The Great African Land Grab? Agricultural Investments and the Global Food System". London: Zed Books.

Fautras, M. 2015. "Land Injustices, Contestations and Community Protest in the Rural Areas of Sidi Bouzid (Tunisia): The Roots of the 'Revolution'?" *Justice Spatiale/Spatial Justice* 7.

Fautras, M. and Locco, G. 2020 *Land, politics and dynamics of agrarian change and resistance in North Africa*. Review of African Political Economy, Taylor & Francis Journals, vol. 46(162), pages 535-548, July.

The Food and Agriculture Organization of the United Nations. 2012 *The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*. Rome.

The Food and Agriculture Organization of the United Nations. 2014. *Respecting free, prior and informed consent. Practical guidance for governments, companies, NGOs, indigenous peoples and local communities in relation to land acquisition*. Rome.

The Food and Agriculture Organization of the United Nations. 2016 *Improving governance of pastoral lands Implementing the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*. Rome

The Food and Agriculture Organization of the United Nations. 2018. *Respecter le consentement préalable, donné librement et en connaissance de cause en Mauritanie*. Rome.

The Food and Agriculture Organization of the United Nations. 2019. *Respecter le consentement préalable, donné librement et en connaissance de cause en Tunisie*. Rome.

The Food and Agriculture Organization of the United Nations. 2020. *The Voluntary Guidelines: Securing our rights. Senegal River Basin*. Rome.

Woertz, E. 2012. *The Global Food Crisis and the Gulf 's Quest for Africa 's Agricultural Potential*. In *Handbook of Land and Water Grabs in Africa*, edited by T.Allan, M.Keulertz, S.Sojamo, and J.Warner , 104–119. London: Routledge.