
Lessons generated from ActionAid’s work with governments and communities

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Abstract:
The livelihoods of hundreds of millions of people, particularly the rural poor, are based on secure and equitable access to and control over land and natural resources which are in turn the source of food and shelter, the basis for social, cultural and religious practices, and a central factor in economic growth. While each country’s unique tenure system and challenges require tailored responses, there is a need, common across most countries for substantial investments in land management and administration, to address those sections of society whose tenure rights are the weakest.

With a focus on marginalized communities, women, small-scale food producers and local communities, this paper presents preliminary results from a gender-sensitive toolkit that is being piloted by ActionAid in Senegal, the Gambia, the Netherlands, and Australia to assess each country’s current legal framework and tenure governance arrangements, and foreign relations policies, against six key principles drawn from the VGGTs and the AU-F&G. The six principles detailed below are:

1) Inclusive multi-stakeholder platforms
2) Recognition of customary rights and informal tenure
3) Gender equality
4) Protection from land grabs
5) Effective land administration
6) Conflict resolution mechanisms

While the findings are impressive in some countries, there remain some glaring gaps in others where urgent actions need to be made.

Keywords: Inclusive, Recognition, Gender, Conflicts, Grabs.
1. INTRODUCTION

Secure tenure over land, fisheries and forests are central to global efforts to end poverty and hunger among local communities, indigenous peoples and women, and ensure sustainable management of the environment. The livelihoods of hundreds of millions of people, particularly the rural poor, depend on secure and equitable rights to natural resources, which are primary sources of food and shelter, the basis for social, cultural and religious practices, and a core economic asset.

Adopted by member states of CFS in 2012, the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGTs) are an international framework based on human rights obligations and standards for the governance of tenure, towards equitable development.

On its part, the African Union Framework and Guidelines on Land Policy in Africa (AU F&G), adopted by AU heads of states in 2009, highlight the role of sound land policies as a basis for sustainable human development.

ActionAid’s VGGT/F&G Assessment toolkit initiative presented in this report is intended as a contribution towards comprehensive international monitoring of the VGGTs and F&G for the benefit of poor and marginalized land dependent women and communities. In particular, this work seeks to:

- Serve as a basis for dialogue and cooperation towards better implementation of the VGGTs

For purposes of this assessment, ActionAid identified six main interrelated principles, which capture key aspects of the VGGTs and F&G that are of greatest concern to ActionAid constituencies and programs. These are:

1.1 Principles

**Principle 1: Inclusive multi-stakeholder platforms**

Multi-stakeholder platforms are encouraged in the VGGTs as the recommended approach to the implementation, monitoring and evaluation of the Guidelines in order to ensure participation, collaboration, transparency and accountability in these efforts. Multi-stakeholder platforms may be established at multiple levels and should be gender-sensitive and particularly involve representatives of marginalized and vulnerable groups. The AU F&G recommends participatory process in the “design of land policy formulation and implementation strategies”

**Principle 2: Recognition of customary rights and informal tenure**

One of the principal tenets of the VGGTs is the recognition of all existing legitimate forms of tenure, both formal and informal, very key for indigenous peoples and marginalized communities. The VGGTs call on states to provide appropriate recognition and protection of the legitimate tenure rights of indigenous peoples and other communities with customary tenure systems and to adapt their policy, legal, and organizational frameworks to recognize such tenure systems. Similarly, the AU F&G advocates for the recognition of the “legitimacy of indigenous land rights” and calls for consultation and participation in policy processes, by those who have legitimate tenure rights that could be affected by policy decisions.
Principle 3: Gender Equality

The VGGTs include Gender Equality as one of the principles essential to responsible governance of tenure, and calls on States to ensure that women and girls have equal tenure rights independent of their civil and marital status. The AU F&G recognizes that “gender discrimination” is pervasive in Africa and that there is need for women’s land rights to be strengthened, regardless of their marital status.

Principle 4: Protection from land grabs

The VGGTs offer several recommendations on measures that States can take to prevent loss of legitimate tenure rights resulting from large-scale land acquisitions, as per the human rights principles. State should provide safeguards to protect legitimate tenure rights, human rights, livelihoods, food security and the environment from risks associated with large-scale land acquisitions. Similarly, the AU F&G note that enhanced agricultural exports could lead to increased state revenue, implying a bias towards large-scale commercial agriculture. As a safeguard, the Guiding Principles for Large Scale Land Acquisition also adopted by the AU stress the need for all land-based investment decisions to respect human rights, including customary rights and the rights of women.

Principle 5: Effective Land Administration

A continuing challenge in many countries is the absence of effective institutions, land registries and community action for land management. The VGGTs provide multiple recommendations about land administration to increase land tenure security of small-scale food producers. “States should provide systems... to record individual and collective tenure rights in order to improve security of tenure rights.” For effective land administration, both the VGGTs and the F&G advocate for policy implementing agencies to ensure that policies and laws are effective and gender sensitive manner.

Principle 6: Conflict resolution mechanisms

Independent, reliable and effective conflict resolution mechanisms are key to ensuring justice and land tenure security of the poor, particularly women. The VGGTs promote the development of appropriate and effective alternative forms of dispute resolution, while the F&G advocates for the “prevention of conflict” and “resolution through mutually acceptable dispute processing mechanisms” and strengthening conflict resolution methods.

2. THE TOOLKIT

This section describes the structure and organization of the toolkit into three related tools, and the recommended assessment methods for each tool.

2.1 Assessment Tools

The toolkit comprise three Tools which together aim to provide users with a comprehensive situational analysis to build local awareness and engagement in a transparent and participatory land governance system.

- **Tool 1** focuses on the actions of governments to align policy and legal frameworks with the VGGT and implement measures to implement them.
- **Tool 2** complements this assessment, to assess how the legal frameworks and implementation measures are operational at the local level. It assesses outcomes as perceived by people attached to land and identifies gaps in support for vulnerable and marginalized groups to strengthen their democratic control of land.
- **Tool 3** provides a set of relevant indicators, guiding questions, to assess the actions of OECD country governments to align policy and legal frameworks with the VGGT and implementation measures to fulfill them in overseas actions particularly in areas of investment, Aid and Trade.
Each Tool includes six sections, one focused on each of the six principles. Within each section, the Tool provides 1-2 qualitative Indicators, Guiding Questions for assessing progress in relation to the Indicator, and a red-yellow-green scale for capturing overall progress in relation to the Indicator.

2.2 Methodology

Recommended methods undertaking assessments using the tools vary depending on the main types and sources of information.

For Tool 1, which focuses on laws/policies and the implementation measures in place, the main methods include desk study, interviews, and peer/stakeholder/expert review.

The primary methodology for Tool 2 is focus group interactions with community members.

Tools 1 and 2 are intended to be used together to provide a holistic picture of land governance, particularly by counterbalancing the view from the "paper trail" (laws, policies, administrative measures) with a bottom up view from communities on the extent of realization on the ground in at least a sample of specific places.

For Tool 3, since it is largely based on documentation of aid and investment laws, policies and programs, the primary methods (as with Tool 1) are also desk study/review of primary and secondary sources, combined with interviews and peer/expert/stakeholder reviews, including a cross-check with government.

3. FINDINGS FROM INITIAL COUNTRY ASSESSMENTS

A pilot country-based assessments was done in four countries using the tools – two in Africa Senegal and the Gambia (using Tools 1 & 2), and two OECD countries- Australia and the Netherlands (using tool 3). Following is a summary of key findings from these country assessments.

4. INCLUSIVE MULTI-STAKEHOLDER PLATFORMS

In September 2015, NGOs and CSOs in the Gambia facilitated the establishment of a national platform on VGGTs with representation from key constituencies including government’s Ministries, CSO and Women’s association. The main goal of the platform was to advocate for improved governance of land for the benefit of all especially the poor and vulnerable for food security and development in general. However, since the launching and initial CSO-sponsored information sharing workshop, the platform has been dormant, attributable to lack of resources.

In Senegal, a collaboration between CSO Coalition Against Land Grabs and FAO Senegal, helped set up a multi-stakeholder platform since April 2014 to monitor the implementation of the VGGTs in the land reform process. The platform aims to facilitate discussion and interaction among different actors – civil society, farmers’ organizations, state actors, the private sector, communal authorities and research organizations – on land governance and common agendas to better implement the responsible governance of tenure. The platform is co-chaired by the ministry of agriculture and the National Farmers platform for rural development. Three national workshops have been organized since 2014.

In Australia, documents reviewed indicate limited Australian Government support to multi-stakeholder platforms to ensure enhanced participation, oversight, monitoring, evaluation, transparency and accountability among representatives of marginalized and vulnerable groups in its development assistance that have a bearing on land governance. One exception is the handbooks that have been developed by Department of Foreign Affairs and Trade-DFAT’s extractive sector development.
assistance for use by partner governments in workshops with mining companies. These make strong and frequent reference to multi-stakeholder forums and consultations, although the extent of their use is unknown.

And in the Netherlands, the Dutch Ministry of Foreign Affairs (MFA) supports several multi-stakeholder platforms (MSPs) in aid receiving countries. MFA also supports Dutch NGO’s, and their southern networks, to promote multi-stakeholder dialogue on land governance and international multi-stakeholder networks such as ILC and GLTN. MFA’s support to farmers’ and women’s organizations also enhances the capacity and such groups’ participation in multi-stakeholder processes related to land.

The Dutch government actively supports and participates in land related MSPs in the Netherlands and promotes the application of the VGGT in regional/international fora.

5. RECOGNITION OF CUSTOMARY RIGHTS AND INFORMAL TENURE

The Gambia’s Lands (Regions) Act provides that “the occupation and use of Provinces lands by indigenes shall be governed and regulated by customary laws obtaining in the localities in which such land is situated.” However, absence of adequate registration and documentation of tenure rights has limited the extent of effectiveness of statute. As such, decision-making by local land dispute commissions under the customary system is sometimes undemocratic and in many cases politically influenced.

In Senegal on the other hand, customary law is the commonly used in the rural areas. Prior to 2016, the land legislation did not recognize the customary land tenure system and almost no land was recognized as customary. Agitation for legal recognition by CSOs and communities led to the new land policy of 2016 which now includes Customary land rights. This gives more room for communities’ and women’s land tenure protection.

With regard to aid policies and programs, the Australian Government has a publically available Safeguard Policy on displacement and resettlement which requires that informed consent be explicitly sought, documented and confirmed by disinterested third parties in relation to customary land donated for aid activities. Where displacement of indigenous people is anticipated, the policy also refers to a requirement for meaningful consultation with indigenous populations including culturally appropriate and land-based resettlement strategies for livelihood improvement or restoration; opportunities for affected indigenous peoples communities to benefit from the project affecting them. However, the extent of support for strengthening indigenous land rights could not be determined from publically available documents. Australia trade agreements and bilateral investment treaties are not screened for how they may affect tenure rights, including those of customary land owners.

In its policy on Food Security and in various letters to the Netherlands Parliament, MFA has expressed its full commitment to the VGGT. MFA’s policy does not mention specific requirements on Due Diligence to examine, record and report who is using land tenure arrangements and informal rights, prior to any land related investment. MFA argues that there is no need for a specific policy or safeguards related to customary and informal land rights, as these rights are already covered by MFA’s commitment to the VGGT. However, examples from the recent past show that existing customary land use rights, as well as the right to FPIC, are often overseen or not fully respected by Dutch companies. This suggests that there is a need for additional guidance for such complex issues.
6. GENDER EQUALITY

Although the Gambian gender policy 2009 to 2020 calls for such provisions in the Land Acts, national laws do not provide for equal rights for women and men to access, use, control, inherit and own land. Under customary tenure systems, the rights of women are generally suppressed.

Senegal’s National laws on the other hand respect equality between men and women (Article 15 of January 2001 constitution). However, illiteracy and cultural barriers block the expression of women’s land rights, particularly in rural areas where customary practice is not in favor of women’s land rights.

In 2013, the Australia Government elevated women’s empowerment and gender equality from a cross-cutting theme to an aid investment priority. However, the extent of support for women’s land rights is difficult to assess from available documents. The Australian Trade and Investment Commission does not have a gender strategy posted on their website. However, they have engaged in several activities that look into gender and mining, mostly to increase women’s employment and representation in governance structures.

Women’s rights and gender equality are included as a priority theme in the Netherlands’ MFA’s policy agenda for aid (and investment) programs, both as an end in itself and a condition for realizing other priorities such as Food Security. Currently there is significant support for women’s tenure rights in MFA’s development aid, including gender disaggregated data for monitoring and impact measurement.

7. PROTECTION FROM LAND GRABS

There are no specific safeguard provisions in the Gambian law for compensation for large scale land transactions, and no regulatory mechanism in place to monitor and control large-scale land acquisitions (other than the National Environment Agency, which focuses on protection of the environment rather than land tenure rights), although large scale land acquisition for different purposes is increasing. FPIC is not consistently in place.

Since 2000, large scale land transfers in Senegal by foreign and national investors, have increased. It is suspected that between 2002 and 2012, approximately 700,000 hectares of land have been transferred (Report from CSO coalition against Land grab). Land grabs occur in Senegal largely because the National Domain Law’s definition of “public utility” and “general interest” is ambiguous. The advocacy work of CSOs and social movements has however contributed to a significant reduction in land grabbing and land conflicts in several regions. For example Senehuile Senethanol has given back 10000Ha to the communities of Ngith in the North regional of Senegal by Italian company.

The Australian Government regulation of overseas activities in relation to large scale land acquisition appears to be very weak. For example, NGO GRAIN reports on three Australian based or registered companies that are using large tracts of land in Mozambique, PNG and New Zealand. Oxfam reports case studies whereby Australia’s four big banks have funded organizations engaged in land grabbing. There is a lack of transparency and information available on investments.

On the other hand, the Netherlands is a key player in (large-scale) land investment overseas, through pension funds, banks, direct investments and government related or funded institutions, as well as more indirectly through import and consumption. Whilst MFA prioritizes investment in small-scale food producers, there are no Dutch laws in place to prevent land grabbing in overseas.
investments nor specific policies that aim to avoid or minimize land tenure rights transfers as suggested by the VGGT. The importance MFA attaches to investing in small scale farmers is underscored in its long standing support to southern farmers’ organizations and in its Food Security Policy.

8. EFFECTIVE LAND ADMINISTRATION

In the Gambia, very limited to no safeguards exist to protect legitimate tenure rights of spouses, family members not recorded in the registration system. No record of tenure rights exist that would enable target groups to record and obtain information about their (individual and/or collective) legitimate tenure rights.

In Senegal, rural councils are the main institution responsible for rural land management. Under the National Domain Law, these rural councils are responsible for the allocation and withdrawal of state land to users, but the application of this law has proven to be ineffective, unsustainable, and unfair to small-scale farmers, especially women. User rights cannot be converted into leases or title deeds, allowing rural councils to withdraw or reallocate smallholders’ lands at their own discretion. The National Domain Law also requires that land allocations, withdrawals, notifications, transfers, and dispossessions be recorded in a land register by the rural councils, but the councils do not maintain up-to-date records.

There are references to land administration in some Australian aid investment plans, to measures to streamline processes that enable land to be recognized as a commodity and credit obtained. Australia has had three land titling projects in the more recent past in PNG, Laos and the Philippines, which appear to be aimed at easing land titling and registration, collection of revenues for land and community awareness.

The importance the Netherlands’ MFA attaches to effective land administration as a condition for development is underscored in its policy related to ‘Land Governance’ and ‘Food Security.’ While initially MFA’s support was mainly geared towards creating an enabling environment for (Dutch) investors, in recent years attention has shifted to a more holistic and Human Rights-based land governance approach. Accordingly, the government provides significant development assistance to the strengthening of land administration institutions. Towards this, the Netherlands' Cadastre supports and strengthens land registration in developing countries through the ‘fit-for-purpose’ method and the ‘Social Tenure Domain Model’.

9. CONFLICT RESOLUTION MECHANISMS

Conflict resolution mechanisms exist at several levels in the Gambia. Under the traditional system, disputes are resolved by village Elders. If they could not be resolved at that level, they can be referred to the District and Regional Land Tribunals, or the magistrate and Cadis courts. Land dispute resolutions services are being strengthened with the decentralization of the Judiciary system, through establishment of local tribunals for the settlement of land disputes at regional and district levels. The main drawbacks of these mechanisms are that the courts process is slow, and the tribunals lack transparency, they are not easily accessible to vulnerable and marginalized persons, due to lack of knowledge and finance to follow up cases. The number of courts available for dispute resolution is also limited.

Land disputes in Senegal are widespread, including disputes between communities and occasionally rural councils due to inaccurate records or conflicts regarding inheritance. These disputes are resolved through both formal and informal customary mechanisms. Rural councils have jurisdiction over land conflicts, but if they fail to resolve the dispute, it
can be heard through the formal court system. Formal courts are criticized for being “inefficient, corrupt, biased, and lacking necessary resources.” Justice is slow and procedures are complex and costly for the rural poor. Rural councils are ill equipped, and know very little about conflict management; most members are not formally educated and lack the knowledge and skills to apply the subtleties of the land law. Resolution is predominantly reached through consensus negotiation rather than by application of the law. Consequently, power and influence are great determinants of the outcomes.

The Australian Government has supported and continues to support formal justice projects in development assistance. However, there is too little detail in the publically available documents to determine whether and to what extent this support focuses on or contributes to the resolution of land conflicts.

The Netherlands’ MFA’s on its part, support to ‘Conflict Resolution Mechanisms’ is based on its policy on ‘Land Governance’ as well as on its overall policy for development cooperation in which ‘Security and the Rule of Law’ is included as a priority theme. Government aid programs support conflict resolution and access to justice projects via several channels, and include both formal and informal conflict resolution mechanisms and support related to customary and women’s tenure rights.

10. CONCLUSION

In Africa

- There are shared challenges with realizing women’s tenure rights under customary systems
- Land grabbing a significant issue in both countries, spurring revision of land law in Senegal. Policy measures to address land grabbing still needed in The Gambia.
- Records of land rights remain absent (The Gambia) or are poorly maintained and hard to access (Senegal)
- Multiple levels of types of conflict resolution mechanisms are available in both countries, yet judicial mechanisms remain difficult and costly to access for the rural poor

From OECD country assessments

- Overall contrast, high levels of investment in VGGT/land governance from Netherlands and limited from Australia; while Australian government has adopted a land-related (displacement/resettlement) safeguard policy but not in Netherlands
- Despite instances of company/investor involvement in land-related infringements, no binding regulations on overseas investments of companies. OECD guidelines and IFC standards are an important framework, but land rights issues – especially customary and informal tenure – should be well integrated, and support mechanisms established
- Gender is a cross-cutting strategy/priority for both countries, but needs to be translated into specific strategies (Australia) and/or monitoring (Netherlands)
- Grievance mechanisms exist but more support is needed for the poor to use them. Use of International grievance mechanisms and thus sanctions for companies and governments infringing on tenure rights is limited.
11. LESSONS FROM THE ASSESSMENT PROCESS

Senegal:
1. VGGTs and AU F&G were used to train communities on land tenure governance in 5 communities that were also targets of the VGGT analysis. The prior training was really useful in helping the communities do the analysis and have an understanding of their rights to participate in land governance. Similarly, the systems and institutions in place had problems implementing the two guidelines and the training and analysis helps these institutions to understand their duties.

2. Sharing findings with CSO appreciated as the tools can be used to enhance the relationship with the state and the communities in order to improve land governance. The VGGTs Principles are simplified and translate into 5 local languages for communities use and appropriation.

The Netherlands,
3. The assessment looked at the government’s external policies relating to other national governments in order to make concrete recommendations on what these policies should contain. As such, It was useful to engage with the government to clarify issues related to such policies, and respond to concerns for example why we are very particular about customary tenure as well as gender

In Australia,
4. The Australian Government makes only part of their policies publicly available Yet, it emerged that Trade has a potential effect on land laws, particularly where there are Investment State Dispute Settlement provisions in trade agreements. Similarly, extractive activities have potential to lead to loss of tenure rights for women and communities. It was also clear that we have to address the close link between land and natural resource rights (the complexity of it all)

The Gambia,
5. The assessment provided communities with an opportunity to learn on the use of the tool at the same time help them to understand tenure systems and how it affects them. the assessment process provided alternative space for women to engage government to demand for their rights, as the multisectoral platform on land which is expected to mobilize action to advance land rights is highly dependent on unpredictable donor funding.

\[\text{ii} \text{ Voluntary Guidelines, 39 (paragraph 26.2).}\]
\[\text{iii} \text{ Voluntary Guidelines, 3}\]
\[\text{iv} \text{ Voluntary Guidelines, 15}\]
\[\text{v} \text{ Voluntary Guidelines, 5}\]
\[\text{vi} \text{ Land Policy in Africa, 15}\]
\[\text{vii} \text{ ActionAid joins IIED, ILC, IFAD and others in adopting the following definition of land grabs: (Tirana Declaration 2011) :: “Large-scale land acquisitions or concessions are defined as land grabs if they are one or more of the following:}\]
\[\text{o} \text{ violations of human rights, particularly the equal rights of women}\]
\[\text{o} \text{ not based on free, prior and informed consent of the affected land users}\]
\[\text{o} \text{ not based on a thorough assessment or are in disregard of social, economic and environmental impacts, including the particular impact on women}\]

Land Policy in Africa, 16.


Interview with Purna Sen, 25 March 2014


Good Practice Notes, Community Development Agreements (2011), Centre for Socially Responsible Mining

Community Engagement and Development, Leading Practice Sustainable Development Programme for the Mining Industry, Australian Government

Working with Indigenous Communities, Leading Practice Sustainable Development Programme for the Mining Industry, Australian Government

See e.g. ‘Kamerbrief inzake de Katalyserende rol van Nederland bij het versterken van Land Governance’. Minister Ploumen, 30 September 2014.

Within the framework of the ‘Strategic Partnership Dialogue and Dissent’. MFA, 13 May 2014.

E.g. Pilot Oxfam Novib in Malawi, Nepal, Uganda and Niger to promote the implementation of the VGGT (‘Partnerships with the VGGT’, Governance of Tenure Newsletter. FAO May 2015).

International Land Coalition (a global alliance of civil society and farmers’ organizations, United Nation’s agencies, NGOs and research institutes) and the Global Land Tool Network hosted by UN-HABITAT.

E.g. ‘Kamerbrief inzake Katalyserende rol Nederland bij het versterken van Land Governance’. Minister Ploumen, 30 September 2014.

According to the UN Guiding Principles Reporting Framework, Human Rights Due Diligence is: ‘An ongoing risk management process... in order to identify, prevent, mitigate and account for how a company addresses its adverse human rights impacts. It includes four key steps: assessing actual and potential human rights impacts; integrating and acting on the findings; tracking responses; and communicating about how impacts are addressed’.

Feedback on ActionAid’s draft analysis and conclusions Dutch implementation VGGT, May 2017.

E.g. the construction of the Barro Blanco hydro-electrical dam in Honduras, co-financed by the Dutch Development Bank FMO; conflict in Ethiopia associated with increasing competition from Dutch (flower and agri-business) companies; financing from two Dutch banks for the Dakota Access Oil Pipeline in North Dakota, impacting the sacred land of the Standing Rock Sioux tribe.

Free prior and informed consent is the principle that a community has the right to give or withhold its consent to proposed projects that may affect the lands they customarily own, occupy or otherwise use. FPIC is a key principle in international law and jurisprudence related to Indigenous Peoples.

The VGGT call on states ‘to provide appropriate recognition and protection of the legitimate tenure rights of Indigenous Peoples and other communities with customary tenure systems and to adapt their policy, legal, policy and organizational frameworks to recognize such tenure systems’ (VGGT part 3, paragraph 9.4). The same can be said of Gender: whereas MFA is fully committed to the VGGT, including to gender in relation to tenure rights, the VGGT suggest that, in order to realize equity and justice, it may be necessary to take additional measures, e.g. in the form of ‘positive action’ (VGGT 3B Principle of implementation 3).

Within the framework of the LG MSD stakeholders are currently involved in a joint learning process including masterclasses on FPIC and (foreseen) on the Social Tenure Domain Model and the fit-for-purpose method for land registration in a context of a continuum of land rights (see also: Effective Land Administration).


‘A World to Gain’. Minister Ploumen, 23 April 2013.


‘Motie Van Laar inzake de uitvoering van genderanalyses en de ontwikkeling van effektieve genderstrategieën voorafgaand aan projekt en beleidsontwikkeling’, 31 maart 2016.

Report on land grab mapping in Senegal publish by : IPAR, CNCR, ENDA PRONAT and ActionAid Senegal in 2012

CRAFS , Interview note with Zakaria Sambakhe, 31 March 2014

https://www.grain.org/article/entries/5492-the-global-farmland-grab-in-2016-how-big-how-bad (see Landgrab Deals 2015 Annex 1 Fina Lv2 (423 KB))


The Netherlands is among the top 10 investor countries for land deals (see e.g. ‘International Land Deals for Agriculture. Fresh Insights from the Land Matrix: Analytical Report II’. CDE, CIFAD, GIGA and the University of Pretoria, April 2016).
See e.g. 'Nederlandse banken en pensioenfondsen investeren miljoenen in landroof', article website Milieudefensie based on 'The financing of Wilmar International', a research paper prepared for Friends of the Earth Europe. Profundu, 7 May 2013.

According to MFA, and in line with the VGGT, not all large-scale land deals are land grabs: 'Under certain conditions, large-scale land deals can contribute positively to the development of agriculture, food security and the alleviation of poverty. A land deal is a land grab when national governments sell or give land on lease to (inter) national investors at the expense of the livelihood of local peoples without meaningful consultation, proper compensation, transparency or sustainable economic development' ('Kamerbrief inzake Nederlandse inzet bij tegengaan landroof'. Minister Ploumen, 16 May 2013. This is similar to the Tirana definition (assembly International Land Coalition, 26 May 2011) of land grabs that ActionAid upholds in its work and in this analysis.

VGGT, part 4 paragraph 12 (e.g.12.6: States should provide safeguards to protect legitimate tenure rights... from risks that could arise from large-scale transactions).

See e.g. 'Kamerbrief Nederlandse inzet voor Wereldwijde Voedselzekerheid'. Minister Ploumen en Staatssecretaris Economische Zaken Dijkisma, 18 November 2014 and 'Kamerbrief over Resultaten Voedselzekerheid'. Minister Ploumen, 19 October 2016.


Ibid.

Interview with Zakaria Sambathe, 31 March 2014

Gerti Hesseling, *Land reform in Senegal*, p.257


E.g. 'Kamerbrief inzake Katalyserende rol Nederland bij versterken Land Governance', Minister Ploumen, 30 September 2014.


Interview Frits van der Wal (MFA) in 'Land Rights special'. ViceVersa, Spring 2017.

Fit-for-purpose guiding principles for country implementation, GLTN, 2016.

'The Social Tenure Domain Model-A Pro-Poor Land Tool', FIG Publication No 52, March 2010. The STDM has been developed by GLTN with extensive contributions from Dutch knowledge institutions.


Gerti Hesseling, *Land reform in Senegal*, p.250

Interview with Zakaria Sambathe, 31 March 2014


Ibid.

Gerti Hesseling, *Land reform in Senegal*, p.260

Mayke Kaag, *Accountability in Land Governance*, p.19

Brief regering: Doelstellingen en Ontwikkelingen van Nederlandse Land Governance Programma’s en Projecten - Vergaderingen Interim Committee en Development Committee. Minister Ploumen, 30 April 2014.


See also ‘Netherlands Supported Initiatives on the Strengthening of Land Governance’. MFA, 2016.