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### VGGT as a Tool for Improving Access to Land and the Responsible Management of Natural Resources: Based on the Experience of Lazio Region and Rome Municipality

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# **VGGT as a Tool for Improving Access to Land and the Responsible Management of Natural Resources: Based on the Experience of Lazio Region and Rome Municipality**

*Leonardo Gallico and Paolo Groppo*

## **Abstract**

*In 2012, the UN Committee on World Food Security (CFS) endorsed the VGGT (Voluntary Guidelines on the responsible Governance of Tenure). However, direct experience, has highlighted the need to start developing capacity material based on field experiences that CSOs and farmers have undergone to implement VGGT at grassroots level.*

*Europe, and the so-called “western countries” in general, are not free from problems connected with access to land and tenure management. There is a need today to reform the current system of land and natural resource governance in Europe, due to land ownership concentration that emerged over the past 50 years reinforced by market dynamics and institutional rules.*

*This paper aims to contribute to the identification and definition of tools and methodologies for improving access and rights to sustainable land tenure and management in Europe, taking into consideration the objectives and principles stated in the VGGT as a possible framework.*

*This paper has the following objectives:*

- 1. To provide useful feedback to local authorities on how to fulfill the VGGT goals through innovative governance practices on publicly-owned land;*
- 2. To provide a general framework for assessing the fulfillment of criteria defined by the VGGT in local initiatives.*

*The methodology used in this study (see later par. Methodology), and the Analysis tool used for fieldwork (see later Annex 1-Analysis tool) can be appropriately adopted to further support national institutions working on pro-poor approaches in order to assess land tenures on public land in their countries. This material will complement their own strengths in becoming active partners in the development and implementation of the needed policies.*

*Field-activities emphasize how the process of managing publicly owned land was handled at a local level (Lazio region and Rome Municipality) with reference to the VGGT statements. Case studies enabled a deepening of pivotal features for public land governance at a local level, as well as a collection of proposals for improving the management of this public asset. Introduction.*

## **List of Acronyms and Abbreviations**

ARSIAL	Agency for Agriculture Development & Innovation of Lazio Region
CAP	Common Agricultural Policy
CBOs	Community Based Organizations
CFS	UN Committee on Food Security of the FAO
CSOs	Civil Society Organizations
EU	European Union
FAO	Food and Agriculture Organization of the UN
GIS	Geographic Information System
ICARRD	International Conference on Agrarian Reform and Rural Development
IPC	International Planning Committee for Food Sovereignty
FIAN	FoodFirst Information and Action Network
IFAD	International Fund for Agricultural Development
LVC	La Via Campesina
MoU	Memorandum of Understanding
NGO	Non-Governmental Organization
POs	People Organizations
PPP	Public-Private Partnership
ToR	Terms of Reference
UAA	Utilized Agricultural Area
UN	United Nations
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure of the FAO
WFS	World Food Summit

## Tenure Guidelines and Civil Societies Organizations: An Open Dialogue

On May 11<sup>th</sup>, 2012, the UN Committee on World Food Security (CFS) endorsed the VGGT (Voluntary Guidelines on the responsible Governance of Tenure)<sup>1</sup>. These Guidelines are anchored in human rights and intend to provide guidance for governments in improving the governance of land and natural resources. The Tenure Guidelines originate in the underlying principle of **food sovereignty**<sup>2</sup>. This principle gained force in the World Food Summit in Rome in 1996, the World Forum for Agrarian Reform in Valencia (Spain, 2004), the International Conference on Agrarian Reform and Rural Development (ICARRD) in Porto Alegre (Brazil, 2006) and the International Forum for Food Sovereignty in Nyéléni, (Mali, 2007). Since 2010, FAO has been facilitating the process of fostering food sovereignty, involving governments, as well as peasants' organizations such as La Via Campesina, IPC and FIAN<sup>3</sup>.

The VGGT deal with the responsible governance of the tenure of land, forests and fisheries as a means for guaranteeing food security. They represent an international “soft law” based on general principles, approved by the CFS and they advise states on implementing them within their own contexts.

In particular, the VGGT recognize the rights of peasants, indigenous peoples, women, and nomads to access land, natural resources, and forests, as well as their traditional and customary rights and land tenure systems.

This is a **new international instrument** that social movements or community-based organizations can use to assert their tenure rights. The VGGT can therefore contribute to the efforts of communities, peoples and organizations in improving the governance of tenure for natural resources. In this context, several European countries individually and the European Union (EU) as a whole, played a key role during the process of formulating and adopting these Tenure Guidelines, both as major donors in the funding of the whole process and as influential actors during the intergovernmental negotiations.

As a matter of fact, Europe, and the so-called “western countries” in general, are not free from problems connected with access to land and tenure management. There is a need today to **reform the current system of land and natural resource governance in Europe**, both in terms of tenure and in terms of responsible management. As stated in the preface of VGGT, “*Weak governance adversely affects social stability, sustainable use of the environment, investment and economic growth*”. The Tenure Guidelines could therefore provide a highly relevant and useful tool for facilitating the identification of problems and providing guidance on **how to improve land tenure and management governance, even in Europe**, through a direct involvement of Civil Society Organizations (CSOs) and People Organizations (POs). Given these premises, the aim of this paper is to provide an example as to how the VGGT can support a process aimed at introducing an **innovative form of land and natural resource governance**.

### *The Voluntary Guidelines on the Responsible Governance of Tenure: general objectives*

*The purpose of the VGGT is to serve as reference and to provide guidance to improve the governance of tenure of land, fisheries and forest with the overarching goal of achieving food security for all and to support the progressive realization of the right to adequate food in the context of national food security. These Guidelines are intended to contribute to the global and national efforts towards the eradication of hunger and poverty [...] the centrality of land to development by promoting secure tenure rights and equitable access to land, fisheries and forest. (Extract from the preface of the VGGT)*

<sup>1</sup> CFS, 38th (Special) Session, “Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security” (CFS 2012/38/2). Rome, 11 May 2012. <http://www.fao.org/docrep/meeting/025/md708e.pdf>

<sup>2</sup> “*Food sovereignty is the right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to define their own food and agriculture systems [...]*” see the “Declaration of Nyéléni”, Mali 2007

<sup>3</sup> International Planning Committee for Food Sovereignty and FoodFirst Information and Action Network

## Dynamics of Land Tenure and Management in Europe

*“In Europe today, concentration of land under ever larger holdings controlled by fewer hands, resulting (in part) from land grabbing and thus in shrinking access to land for small-scale food producers, is accelerating [...]”* (Franco J. & Borras J. 2013)

This process of **land ownership concentration** that emerged in Europe over the past 50 years is reinforced by market dynamics and institutional rules. *“One reason for land concentration in Europe is the single area payment under the first pillar of the Common Agricultural Policy, (CAP) which gives greater financial leverage to large-scale farmers and thus creates advantages and releases capital for further land acquisition”*<sup>4</sup>.

The decrease in the number of farms throughout Europe is also due to the limited economic attractiveness of agriculture compared to other economic sectors, such as services and manufacturing. Many young people today, in rural areas of Europe and in Italy<sup>5</sup>, do not want to remain or become farmers for reasons that involve the combination of both ‘push factors’ (not much economic remuneration for hard work), and ‘pull factors’ (the attraction of urban, commercial-industrial life). This is (or should be) a matter of great public concern, especially since the agricultural work force in Europe is ageing<sup>6</sup>. Indeed, while it is difficult to quantify, one can assume that many of the small farms that were swallowed by bigger holdings were vulnerable due to the lack of a younger generation wanting to take over the work from the older one. Local authorities often pose the question: *“how can we **make agriculture attractive again to young people?**”*<sup>7</sup>.

### Objective of the Study

Toward the beginning of the new millennium, a new interest in agriculture started emerging, due in particular to the economic crisis in Europe (2008), which took away many employment opportunities in urban areas. These days, rural areas represent, particularly in Mediterranean countries, places where the quality of life still remains high and “innovative practices” are much easier to implement. However, young people, from rural and urban areas who want to take up farming, find numerous structural and institutional barriers due to *“existing market dynamics and institutional rules, which effectively deny entry into agriculture to prospective farmers.* (Franco and Borras 2013 p. 5)”.  
*The responsible governance of land: the VGGT perspective*

*Many tenure problems arise because weak of governance and attempts to address tenure problems are affects social stability, sustainable use of the environment. Weak governance adversely affects social stability, sustainable use of the environment , investment and economic growth. In response to growing and widespread interest, FAO and its partners embarked on the development of guidelines on responsible tenure governance. ( Extract from the preface of the VGGT)*

Land concentration and artificialisation<sup>8</sup> are making it increasingly difficult to buy land for farming. *“More than 60,000 ha of mostly fertile farmland are lost every year due to land use conversion to non agricultural uses, while the cost of land is rising dramatically “* (Franco J. & Borras J. 2013, p.23).

<sup>4</sup> See point 3.8 of the *Opinion of the European Economic and Social Committee on Land grabbing – a warning for Europe and a threat to family farming* (own-initiative opinion) Rapporteur: Kaul Nurm. Bruxelles 20 January 2015

<sup>5</sup> See for example the data provided by Terre de Liens on “Access to land for Community-Connected Farming”, <https://maps.google.com/maps/ms?ie=UTF8&hl=fr&msa=0&msid=107996440332808481570.000490b1b6b8f68f0c7de&ll=51.944265,6.855469&spn=21.461647,54.140625&z=4&dg=feature>

<sup>6</sup> See DGAGRI, (2012), “Generational renewal in EU agriculture: statistical background”, brief N°6, Bruxelles.

<sup>7</sup> See. Lattanzio e Associati Valutazione di itinere intermedia ed ex post PSR Puglia 2007/2013 “Voce alle aziende Il PSR Puglia e l’insediamento dei giovani agricoltori” (may 2014)

<sup>8</sup> “artificialisation” is intended as the process that brings about the consumption of soil due to human pressure on the environment. This process involves the progressive transformation of agricultural surfaces through the creation of infrastructure or buildings, which definitively compromise the possibility of restoration of the previous natural environment. (see Wikipedia)

**Entry denial** is one of the most urgent and important land issues in Europe today and it has a clear generational dimension. Any effort towards alternative agriculture will be weakened if prospective farmers either lose interest or are unable to access the land. This poses a big challenge when considering the interest both in part-time farming on the part of many young people already earning non-farm income, as well as urban farming<sup>9</sup> as part of a growing awareness about food quality and as a strategy to reduce costs of life through the production of one's own food. The direction of this land concentration trend can only be modified with an active public intervention in the land market. In Italy, there has been a "rush to land" and toward access to natural resources<sup>10</sup>, highlighting conflicts in different local contexts involving citizens, farmers and the private sector. At the same time, civil society is starting to change this scenario, both by paying more attention to the food system as well as by improving the ability of CSOs to be better involved in the management of natural resources.

Direct experience, after the approval of the Voluntary Guidelines for Governance of Tenure in 2012, has highlighted the need to start developing capacity material based on the field experiences that CSOs and farmers have undergone.

This paper, therefore, aims to contribute to the identification and definition of tools and methodologies for improving access and rights to sustainable land tenure and management, taking into consideration the objectives and principles stated in the VGGT as a possible framework.

This report has the following objectives:

1. To provide **useful feedback to local authorities** on how to fulfill the VGGT goals through innovative governance practices on **publicly-owned land**;
2. To provide a **general framework for assessing the fulfillment of criteria** defined by the VGGT in local initiatives.

The methodology used in this study (see later par. Methodology), and the Analysis tool used for fieldwork (see later Annex 1-Analysis tool) can be appropriately used to further support national institutions working on pro-poor approaches in order to assess land tenures on public land in their countries. This material will complement their own strengths in becoming active partners in the development and implementation of the needed policies.

## Methodology

This study was based on a structured dialogue with POs/CSOs aimed at identifying their priorities and their "language", with a focus on publicly owned land. The expected activity integrates desk research and field research in order to fulfill the identified objective and to guarantee the assessment of the **11 statements** reported in the VGGT on "**Public land, fisheries and forest (8.1-8.11)**" in the two selected case studies.

In this regard, during the period from October 2014 to February 2015, the following activities took place:

- a) Definition of issues relevant to the VGGT in a local context, through the **selection of case studies and the identification of stakeholders** to be involved in the analysis, based on the recent development of innovative governance practices for public land. The selected case studies are representative experiences of entrusting the management of public lands to private citizens, related to the requirements of local CBOs.
- b) **Preparation of the facilitation material** through: (1) a critical capacity development needs assessment of POs/CSOs in local contexts in light of the present stage of VGGT implementation; (2) the development of a field survey questionnaire<sup>11</sup> that has been developed based on a deep **understanding of paragraph 8 of the VGGT**, dedicated to "Publicly land fisheries and forests". Some questions have been identified from each of these.

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<sup>9</sup> See : <http://archivio.internazionale.it/atlane/agricoltura-urbana>

<sup>10</sup> For a detailed review of case studies see the proceedings of the conference "Corsa alla terra anche in Italia", Rovigo Marzo 2013- <http://www.lscmt.units.it/osti/13Terra/Landgrabbing.htm>

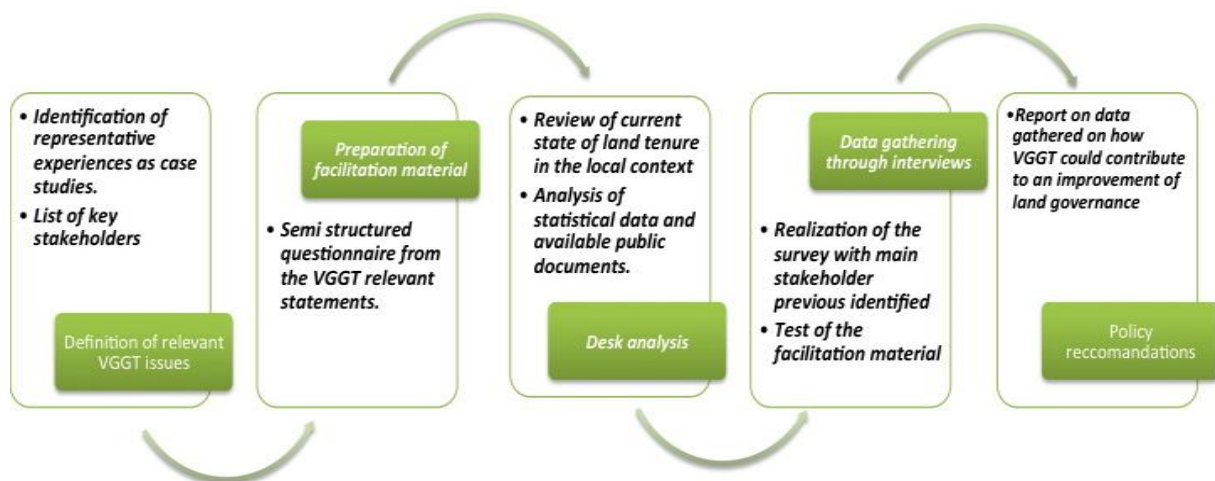
<sup>11</sup> See also annex 1 of the present document



- c) **Review of the current states** (desk analysis) **of land tenure trends and management**, in a National and International context, based on selected case studies (Lazio Region and Rome Municipality), highlighting major constraints and opportunities with a particular focus on recent initiatives of public owned land tenure management. In particular, an assessment of two “calls for proposal” for the management of publicly owned land published in 2014 by ARSIAL and the Municipality of Rome. This allowed for a look at the fulfillment of criteria for public land management as defined by the VGGT, and for an improvement in the list of stakeholders involved in the process.
- d) **Data gathering** (field research) **through direct interviews** with the main stakeholders involved in the process of state owned land management at a local level. Previously developed tools and facilitation materials have been used for these interviews with a focus on improving access and rights to **sustainable management** (with references to VGGT’s-Implementing guidelines) so as to evaluate how the two calls for proposals fulfilled the statements defined by the VGGT. Major key findings and suggestions have been reported, which fulfill the main statements of chapter 8 of the VGGT.
- e) **A report on gathered data**, which provides a whole analysis of the context from which specific **policy recommendations** are derived. This outcome gives important inputs to local POs and CSOs in terms of the application of VGGT requirements in this specific context. However, it also represents a case study for further research on this issue.
- f) **Test of the facilitation material**, in order to assess some critical areas for the direct implementation of the VGGT in local contexts. The main tool developed within this activity is the questionnaire (Annex 1). One constraint was the difficulty in clearly identifying the area of each statement. In some cases, questions overlap, as they identify the same aspect from different points of view. For example, the “traditional use of land” raised in points 8.2 and point 8.7 of the VGGT. It is important to consider the key topics for each context and to specifically interpret the concepts at a local level, on the basis of the whole VGGT document.

The process of assessing the VGGT Statements at a local level followed the steps highlighted in the figure below:

**Figure 1 Steps of the process for the assessment of the respect for VGGT statements at a local level**



*Source: own elaboration*

## Context Analysis

### *Land Concentration in Europe*

While agricultural land is dwindling throughout Europe, it is also becoming increasingly concentrated in the hands of certain large holdings.

The land market on one side, and the process of land ownership privatization in former soviet countries on the other, leads to a context of highly concentrated land in the hands of few large holdings. A small portion of agricultural businesses (1%) in the European Union retains control over 20% of agricultural land. Conversely, 80% of the farms control only 14.5% of agricultural land<sup>12</sup>. This process is confirmed by a marked decrease in the number of farms (Table1) over the past 50 years.

**Table 1 Number of agricultural holdings (in thousands) in selected EU countries**

Year	1966/67	1970	1980	1990	2000	2010	Trend
Country	6 MS	6 MS	9 MS	12 MS	15 MS	27 MS	1960-2010
EC/EU	6.404,9	5.888,3	5.821,4	7.993,0	6.770,7	11.966,4	
BG						370,5	
DE	1.246,0	1.074,6	849,9	653,6	472,0	299,1	
ES				1.593,6	1.287,4	989,8	
FR	1.708,0	1.587,6	1.255,3	923,6	663,6	516,1	
IT	2.980,5	2.849,9	2.832,4	2.664,6	2.153,7	1.620,9	
HU						576,8	
AT					199,5	150,2	
RO						3.895,0	

Source: EUROSTAT 2012

In 2007, (Table 2) small farms of less than 2 hectares dominated the European scene, comprising nearly half (49 percent, or nearly 6 million holdings) of all European farms. However, while greater in number, this farm size category only corresponds to 2 percent of the total Utilized Agricultural Areas (UAA). In sharp contrast, the farm size category of 100 hectares and above, representing just 3 percent of the total number of farms, captures half (50 percent) of the entire UAA in the EU-27 (EU 2012: 27).

**Table 2 Utilized agriculture area (UAA, in thousands of hectares) by selected size of the holding, 1990, 2003, 2007**

Country	Total			<2 ha			>50ha		
	1990	2003	2007	1990	2003	2007	1990	2003	2007
BG		2.904	3.051		313	191		2.279	2.498
DE	17.048	16.982	16.932	124	25	20	9.229	12.047	12.595
ES	24.531	25.175	24.893	556	370	312	14.837	17.406	17.481
FR		27.795	27.477		83	62		22.022	22.745
IT	14.957	13.116	12.744	1.246	902	773	5.072	5.099	5.016
HU		4.352	4.228		211	145		2.962	3.160
AT		3.257	3.189		23	22		1.262	1.298
RO		13.931	13.753		20.131	1.808		6.798	5.501

Source: EUROSTAT 2012

Land in Europe has not always been this concentrated, as the data in Table 2 clearly shows. The state of land distribution by size of farms in 2007 is the outcome of a trend that started several decades

<sup>12</sup> See point 3.3 of the *Opinion of the European Economic and Social Committee on Land grabbing – a warning for Europe and a threat to family farming* (own-initiative opinion) Rapporteur: Kaul Nurm. Bruxelles 20 January 2015



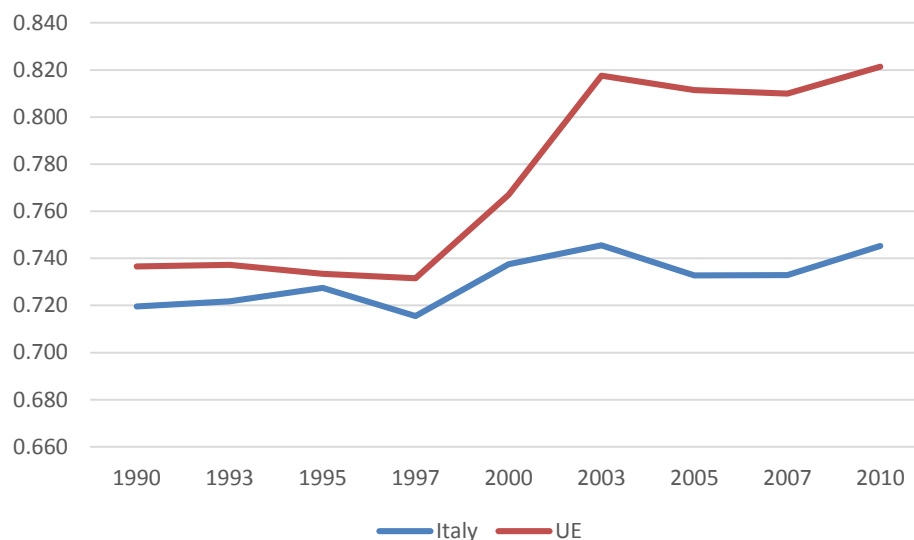
earlier. Looking at the Gini coefficient for land concentration<sup>13</sup>, the level of inequality in land distribution in Europe appears even more evident. Figure 2, shown below, shows the increase in land concentration over the last twenty years in the EU.

The **Gini coefficient for the European Union**, in 2010, had a value of 0,82, which is similar to that registered in other continents, such as Latin America. For example, Brazil registered a Gini coefficient for land concentration of 0,87<sup>14</sup> in 2006, while Colombia registered a value of 0,85<sup>15</sup> in 2010. The level of land ownership concentration observed in Europe today is similar to those continents where agrarian reform processes are part of the government’s main agenda.

In Italy, the concentration process seen over the past twenty years has been lower than in other EU countries. However, due to a stagnation of the land market (with less than 2% of agricultural surfaces being bought and sold), current land prices are still high and are not affordable for a purely farming enterprise (the average price for agricultural land in Italy is around 20,000€<sup>16</sup> per hectare). A high level of market segmentation exists and prices depend on fertility, infrastructure and the “waiting approach”. The latter is based on the idea of holding on to farmland while waiting for its use to change from agricultural to urban. (WWF 2014)

In this context, there is an increasing request for public intervention in the direct management of natural resources or at least in the resolution of conflicts between different actors at the local level.

**Figure 2 Gini coefficient index for land concentration: Europe –Italy (1990-2010)**



*Source: own elaboration on EUROSTAT data inquiry on 20/01/2015*

### *Public Land as an Opportunity for Sustainable Farming: the Italian Context*

In Italy, the presence of **publicly owned land**, either directly or indirectly managed by the State (714.500 hectares of UAA, divided into more than 2.600 farms), represents an opportunity for small farmers. In addition, over one million hectares fall under a common property regime (so called *usi*

<sup>13</sup> The Gini coefficient ranges from 0 to 1; the larger the coefficient, the greater the inequality. Thus, 0 represents perfect equality while 1 implies perfect inequality.

<sup>14</sup> <http://www.ipsnews.net/2009/10/brazil-agribusiness-driving-land-concentration/>

<sup>15</sup> <https://nacla.org/blog/2011/9/26/latest-undp-report-colombia-its-rural-economy-stupid>

<sup>16</sup> See the available database from INEA “Historic trends on value of agricultural land from 1960 to 2013” (<http://www.inea.it/mercato-fondiaro/banca-dati>)

*civici*), which belongs to all citizens and is therefore inalienable. In these cases, Local Municipalities or association of citizens have the right to manage the land and to protect citizens' collective rights.<sup>17</sup>

However, over the past decades, a weakening capacity for governance of public administration bodies in providing services and in managing public land properties **has been observed**. The abandonment and negligence of public land properties management attracted the attention of local CBOs. A process of raising public awareness so as to ask for a more efficient management of public natural resources has been taken up by CBOs.

The Italian government is now encouraging the creation of new farms through the **sale and rent of public lands** that either formally belong to the state or that are collectively managed by Local Authorities (these represent a large part of the available land area). In January 2012, the Italian government, led by Mr. Monti, ruled for a systematic sale of the state's assets with the "Decreto sulle Liberalizzazioni" (Decree on Liberalization) in order to cover the increasing public debt. Two years later, in July 2014, the decree "terre vive"<sup>18</sup> opened up the opportunity to sale and lease 5.500 ha of public land, with priority given to farmers under 40 years of age. However, there are many views opposing the idea of selling land under public ownership to private farmers. There is also an interesting law in this regard (Law 109/96), stating the need to reallocate the tenure of goods (including land) confiscated from the mafia to society with social objectives in mind. A specific National Agency has been created to manage such goods and the procedure to be followed is specified in the "Codice Antimafia" (Anti-mafia Code). This represents another opportunity for public land management that could take inspiration from the VGGT principles.

Due to this situation, **local authorities** (regional and municipal institutions) have moved forward, and over the past year (2013, 2014) a few Italian regions (Liguria, Tuscany, Umbria, Puglia and Molise<sup>19</sup>) have approved regional laws in order to support the creation of local "**Land Bank**" or new governance systems, which allow for better management of publicly-owned land through a direct involvement of the social and private sectors. The proposed process is what, in general terms, can be **defined as PPP, "Public Private Partnership"**, where the public authorities own the property, but are no longer able to guarantee the management of these assets, and therefore call for private intervention. A useful tool, in this regard, is the **selection criteria** for the identification of the private subjects that will be in charge of the management of these properties. The cases addressed here (Lazio and Rome) highlight how priorities have been given to cooperative farmers or social farming so as to guarantee positive and widespread effects in the management of public properties, including to the relevant communities.

### *Public Land Management in the Lazio Region*

Some interesting aspects of land ownership dynamics and public land management are emerging in the case of the Lazio Region. Based on Census data from 2000/2010, a strong decrease in the number of farms (around 50%) can be seen, as well as a reduction of the UAA of 11,40%. The following table highlights the collapse of small farms: a majority of the farms lost between 2000 and 2010 were less than 5 ha in size. A second relevant element is the positive trend in farms of more than 20 hectares in size within the Lazio Region, while at the national level this trend begins with farms of more than 30 hectares.

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<sup>17</sup> *Land concentration and green grabs in Italy: The case of Furtovoltaico in Sardinia* – in Franco J.& Borrás J.(2013) "Land concentration, land grabbing and people's struggles in Europe", European Coordination Via Campesina (ECVC) and Hands off the land Network, Amsterdam: Transnational Institute (TNI)

<sup>18</sup> See also <http://www.governo.it/backoffice/allegati/76353-9599.pdf> a presentation of the decree made by the Italian Ministry of Agriculture.

<sup>19</sup> See Regional Law in Liguria N° 4 of the 11th of March 2014 "Standards for the promotion of the agriculture and for the implementation of a Land Bank". Regional law in Tuscany N° 80/2012, and Regional Law in Umbria N°59 of the 18th of April 2014 "Standards to promote access to land for farmers and to promote sustainable agriculture"; Regional law of Puglia N°24 of the 20<sup>th</sup> May 2014 "Provisions to facilitate the access of young people to agricultural activities and prevent the abandonment and consumption of agricultural soils"; Regional Law of Molise N°16 of the 15<sup>th</sup> November 14 "Creation of a Land Bank".

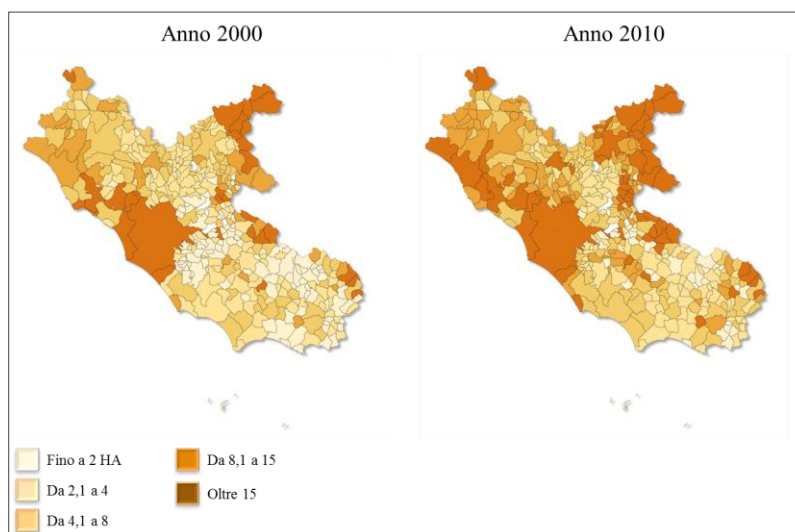
**Table 3 Changes in agricultural holdings and UAA (2010/2000) - comparison of Lazio-Italy by size of UAA (data in %)**

Size of UAA	Holdings		UAA	
	Lazio	Italy	Lazio	Italy
Without surface	44,30	70,06	-	-
Less than 1,00	63,37	50,86	58,46	44,07
1,00 – 1,99	46,87	29,52	47,64	30,07
2,00 – 4,99	34,39	22,24	34,03	25,45
5,00 – 9,99	16,67	14,62	16,8	14,65
10,00 – 19,99	4,86	7,06	4,77	7,05
20,00 – 29,99	16,62	1,01	15,93	0,74
30,00 – 49,99	28,27	11,52	27,59	11,58
50,00 – 99,99	30,48	22,01	28,87	22,03
100,00 and more	12,8	22,96	6,86	7,05
Total	48,64	32,36	11,43	2,47

*Source: own elaboration based on ISTAT Census data 2010/2000*

As highlighted in the figures here, the average size of farms in the Lazio region, over the past decade, has increased, and the changes in surface dimension of agricultural holdings have redefined their productive capacity. The small farms tend to disappear, giving an opportunity for more competitive holdings to remain in the market. On the other hand, the loss in the number of holdings is not comparable with the loss of surface area (UAA). An additional element that confirms the structural changes happening in Italy and in the Lazio region is the allocation of land capital. The decline in the number of farms is balanced by the capacity of absorbing the available surface area of the existing holdings, resulting in an increase in size of the average holding.

**Figure 3 Average holding size, comparison 2010/2000**



*Source: Rural Development Programme of Lazio Region for 2014/2020 based on census data*

Publicly owned land still plays a major role at a regional level, as can be seen in Table 4. Data shows us how, still today, more than 25% of the regional agricultural surface (more than 220.000 hectares) is owned by public institutions, and this highlights the key role that states, and public authorities in general, play when it comes to opportunities for farmers to access to land. 86 public farms inside the Province of Rome own a similar percentage of land (25%).

**Table 4 Presence of Public holdings in the Lazio region and Province of Rome**

Legal Entity	N° Holdings				Total Agricultural Area (Ha)			
	Lazio		Rome Province		Lazio		Rome Province	
	2010	2000	2010	2000	2010	2000	2010	2000
<b>private holdings</b>	97.923	190.376	21.541	51.243	670.901	751.578	180.809	203.279
<b>public holdings</b>	283	387	86	131	223.316	276.277	61.582	68.303
<b>Total</b>	98.216	191.217	21.631	51.606	901.467	1.039.620	249.124	278.039

*Source: own elaboration based on ISTAT Census data 2010/2000*

Given the size of public land stock not suitable to be used for social purposes, the Region of Lazio decided to advertise specific calls for proposals, with the aim of transferring the management of public land to private entities. The Regional Administration published a call for proposals at the beginning of 2014. A total of 320 ha of publicly owned land would be assigned to young farmers in the provinces of Rome and Viterbo, with contracts that are renewable in 15 years. A budget of 500.000 Euro has been established, so as to support access to credit for the start up enterprises that will manage these public lands. The 320 ha are divided into 7 areas in 8 different municipalities, with a total of 288 ha in the Province of Rome and 32 ha in the Province of Viterbo. Several projects (about 70) have been presented for the management of the public land, and the results of the calls for proposal are ongoing.

#### *Agricultural Land in the Municipality of Rome*

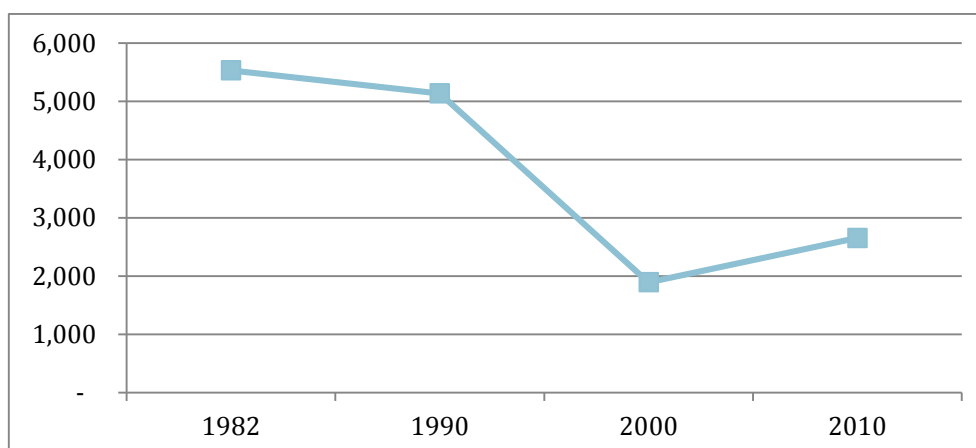
Rome Municipality has a population of about 2.8 million people and represents the largest Italian municipality in term of surface area (1.285km<sup>2</sup>) and in term of agricultural area (5.729 ha in 2010).

The presence of large green spaces inside the city, including areas close to the city center, makes Rome a unique type of urban settlement in Europe. The city's peri-urban historical heritage includes urban and archeological parks, natural protected areas and agricultural land. Professional farming is practiced in various suburban green areas, and many others have the potential for it. Looking at census data, an increase in the number of farms can be observed:

from 1.893 farms in 2000 to 2.656 in 2010. The total agricultural land area, in 2010, covered 54% of the total area of the Rome Municipality. In terms of land distribution, there is a different dynamic at a national and Municipal level: the number of small farms with a surface area of less than 2 ha is increasing, along with the number farms with a surface area of between 20 and 30 ha. The number of agricultural holdings of more than 100 ha in size decreased between 2000 and 2010. The percentage of organic farms increased from the 2,3% to the 3,8% of the total. These trends are also due to the recent growing interest in **diversification of agricultural activities and integration of production with services**.

*The "Rome a city to grow" project was adopted in January, 2014 by the Rome Municipal Council and provides the perspective to improve the management of public land through the support to new young farmers, aiming at the maintenance and safeguarding of the surrounding peri-urban areas. Thus supporting new start-ups in the agricultural sector, on farmland belonging to the municipality.*

**Figure 4 N° of Agricultural Holdings 1982-2010 – Municipality of Rome**



*Source: ISTAT, 2012*

The Municipal area of Rome is characterized by different forms of urban and peri-urban agriculture, ranging from professional farms to community-based urban gardens, to various forms of social agriculture for the inclusion of marginalized groups. These initiatives have been grouped into three main typologies (Dell’Orco 2012, Uttaro 2012):

- **small scale semi-subsistence farming and pastoral activities**, performed by single households both in small plots of land (along river banks or in other marginal areas) and in large agricultural areas;
- **professional farming**, mainly in suburban areas, led by groups of farmers often inspired by social or political ideals, but also capable of a (alternative) market-oriented approach;
- recent (but rapidly increasing) initiatives of **neighborhood-based collective gardens**, mainly aiming at enhancing the quality of life, also with cultural and recreational purposes.

Each of these typologies presents specific characteristics in relation to issues like **land property**, production methods, multifunctional farming, **networking**, formal and informal arrangements, and relations with local administration.

In this context, the expansion of the culture of quality food consumption becomes an important opportunity for urban and peri-urban farmers. Youth unemployment is leading to an increased interest in agriculture by young people, including graduates and those with an urban background. In particular, there is growing activism for access by young farmers to the large amount of farming land that is potentially available in Rome. The Rome situation is quite interesting also due to a particular legal framework that, after the adoption of the Masterplan in 2008, will see an increased availability of land for the municipality. This is a consequence of the implementation of the compensation planning system<sup>20</sup>, which will bring new and ever increasing areas under the management of the municipality<sup>21</sup>.

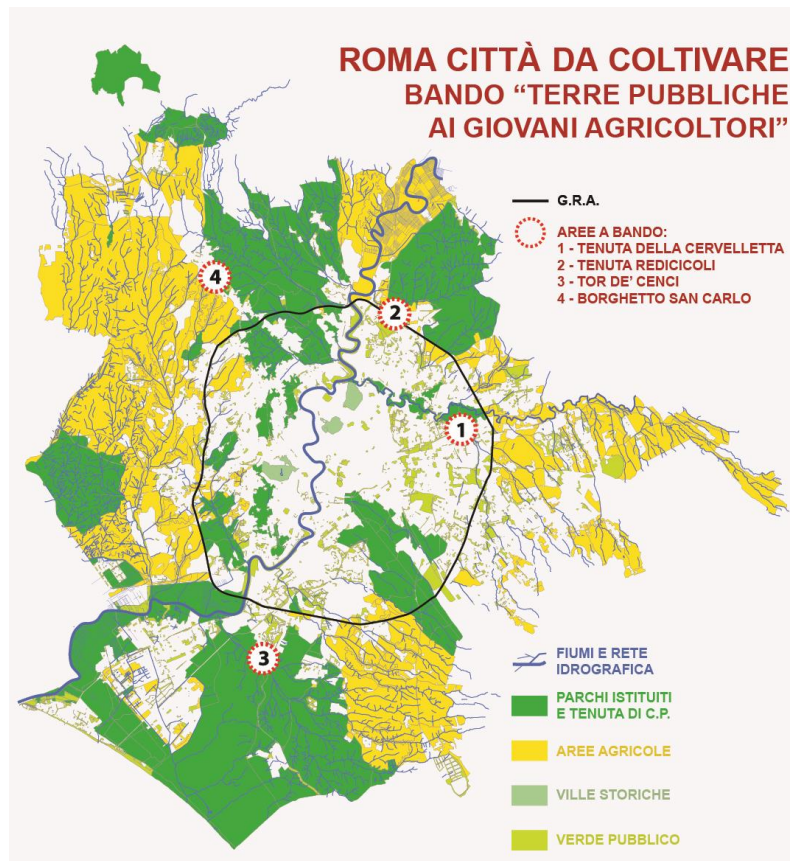
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<sup>20</sup> This compensation is the principle that the local administration, in exchange of the free transfer of an area within which it intends to make a public intervention, may grant to the owner of the land another piece of land in exchange for the volume that can be transferred to other building areas. This volume is freely marketable. Obviously, the individual may realize their public intervention by obtaining appropriate agreement with the city administration. (see Wikipedia)

<sup>21</sup> Extract from DGC 16 of January 29, 2014 the Municipality of Rome "is part of this context, and also shares part of the areas being acquired resulting from compensatory maneuvers designed to implement art. 19 of the Technical Implementation of the Master Plan, including, among others, broad areas for agricultural use of great environmental value. "



**Figure 5 Use of agricultural land in Rome and areas identified for the call for proposal 2014**



*Source: Roma Capitale.*

The call for proposal “*Terre pubbliche ai giovani agricoltori*”, published by the Municipality for the purpose of renting out around 100 ha of public lands in the summer of 2014, led to the creation of three new farms directly managed by young farmers.

### Evidence from case Studies

In accordance with the described methodological approach, field-activities aimed at emphasizing how the process of managing publicly owned land was handled at a local level (Lazio region and Rome Municipality) with reference to the VGGT statements. Case studies enabled a deepening of pivotal features for public land governance at a local level, as well as a collection of proposals for improving the management of this public asset.

The two calls for proposal published in 2014, with the purpose of redistributing 420 hectares (320 ha in almost free allocation from ARSIAL<sup>22</sup> in Rome and Viterbo provinces, and 100 ha from the Municipality of Rome<sup>23</sup>) are quite representative examples of entrusting the management of public lands to private citizens so as to develop economic activities, in the form of **Public Private Partnerships**. The calls follow the activities of a social movement, a CBO called “Coordinamento Romano per l’accesso alla terra”, which, since 2011, has been pushing public opinion and raising awareness through events, strikes and public manifestations that encourage public authorities to redistribute public lands. Other interesting experiences of public land management emerged from field

<sup>22</sup> [http://www.arsialweb.it/cms/index.php?option=com\\_content&task=view&id=933&Itemid=176](http://www.arsialweb.it/cms/index.php?option=com_content&task=view&id=933&Itemid=176)

<sup>23</sup> Roma città da coltivare: terre pubbliche ai giovani e agli agricoltori see also “[http://www.comune.roma.it/wps/portal/pcr?contentId=NEW649994&jp\\_pagecode=newsview.wp&ahew=contentId:jp\\_pagecode](http://www.comune.roma.it/wps/portal/pcr?contentId=NEW649994&jp_pagecode=newsview.wp&ahew=contentId:jp_pagecode)” and DGC N° 16 approved by the Rome Municipality Council of 29 January 2014



research (e.g. Coop. Agricoltura Nuova, Università Agrarie, Ass. Libera, Public Farm ‘Tenuta del Cavaliere’).

The figure below highlights the main players/stakeholders involved in the field research activity.

**Figure 6 Stakeholders interviewed during field activities**



*Source: Own Elaboration*

The results of interviews, that were conducted for study purposes, have been organized according to relevant themes concerning public land, fisheries and forests developed in the Voluntary Guidelines<sup>24</sup>.

### *8.1 Strategic Social, Environmental and Economic Objectives for Public Lands*

***“Where States own or control land, fisheries and forests, they should determine the use and control of these resources in light of broader social, economic and environmental objectives. They should ensure that all actions are consistent with their existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments.”***

The analyzed data highlight the lack of a clear legal framework at a national and regional<sup>25</sup> level. In this context, the initiatives promoted by the Region of Lazio and the Municipality of Rome in 2014 prove their evident attempt to value public land stocks and to promote equitable access and an efficient management of public lands. The fact that more than 25% of the Lazio region’s agricultural area is owned by public institutions, with half of this land (100,000 ha) representing a commons and being directly managed by local authorities/organizations, emphasizes the role that local authorities can play in promoting and fostering access to land.

The initiatives funded by both Administrations pursue broader objectives, such as:

<sup>24</sup> See Voluntary Guidelines of the Responsible Governance of Tenure, Part 3 – Legal recognition and allocation of tenure rights and duties, paragraph 8. Public land, fisheries and forests, pp. 12-14

<sup>25</sup> Law proposals N°21 of the 22 April 2013 on the “Disposal to promote access to land for young people and prevent the abandonment of agricultural surfaces” has been presented by deputies of the Regional Lazio Council but not yet approved by the assembly. See [http://atticrl.regione.lazio.it/allegati/propostelegge/TESTI\\_PROPOSTI/PL%202021.pdf](http://atticrl.regione.lazio.it/allegati/propostelegge/TESTI_PROPOSTI/PL%202021.pdf)

- creating new job opportunities;
- protecting and improving existing public land conditions through the sustainable use of natural and agricultural resources;
- fostering the responsible management of land in a manner consistent with obligations under national and international law.

In order to achieve these objectives, in 2014 ARSIAL<sup>26</sup> published a call for proposals that represented the first initiative for public land allocation promoted by a public body since the national Land Agrarian Reform during the 50's<sup>27</sup>. The call for proposals, which has already become a model for other Public Administrations, had the twofold objective of enhancing access for young farmers to agricultural land and of protecting the quality of the land stock owned by the Region for economic and social purposes. This project enabled the Regional Administration to allocate and render productive about 320 hectares of public land, as well as to support start-ups that guarantee the protection of the environmental and agricultural heritage, along with the improvement of citizens' quality of life.

Likewise, the Municipality of Rome promoted, in January 2014, the project “*Roma, città da coltivare*” with the following goals:

- protect the “ecological network”<sup>28</sup> identified by the Town Plan adopted in 2008;
- foster and promote multifunctional agriculture practices;
- encourage a generational change in the agricultural sector;
- use public lands for agricultural production, thereby saving them from massive urbanization.

Moreover, the project “*Roma, città da coltivare*” called for the public use of lands to be assigned; therefore the selection criteria included, among other things, the expected environmental and social impact. This allowed the Municipality to award beneficiaries who were able to pursue wider objectives, such as social inclusion.

Despite the absence of an updated legal framework (at a national and regional level) defining main objectives and targets for public land use, some experiences at a grassroots level on the use of public land have succeeded in identifying clear social, environmental and economic goals<sup>29</sup>. The municipal farm “Tenuta del Cavaliere” and the co-operative farm “Agricoltura Nuova”, for instance, provide work opportunities for marginalized people, like refugees and/or former convicts, while the co-operative farm “Co.r.ag.gio” has been organizing awareness raising campaigns on sustainable development and plans to create new employment opportunities for young people.

## 8.2 Recognition of Traditional and Customary Tenure Rights

***“Where States own or control land, fisheries and forests, the legitimate tenure rights of individuals and communities, including where applicable those with customary tenure systems, should be recognized, respected and protected, consistent with existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments. To this end, categories of legitimate tenure rights should be clearly defined and publicized, through a transparent process, and in accordance with national law.”***

<sup>26</sup> Agency for Agriculture Development & Innovation of Lazio Region

<sup>27</sup> See Law N° 841 of 21 October, 1950, “Standards for expropriation, land reclamation, processing and allocation of land to peasants”. This intervention was partially founded by the Marshall Plan.

<sup>28</sup> The ecological network identifies all primary, secondary and completion components, depending on the sensitivity and quality of ecosystems included. Any intervention in those areas should assess their compatibility and integration with the ecological network in order to contribute and collaborate in the completion and operation of the environmental system.

<sup>29</sup> The opportunity to implement redistributive reform is also stressed in the VGGT in article 15.1 “*Redistributive reforms can facilitate broad and equitable access to land and inclusive rural development. In this regard, where appropriate under national contexts, States may consider allocation of public land, voluntary and market based mechanisms as well as expropriation of private land, fisheries or forests for a public purpose*”

Traditional and customary tenure rights are not formally recognized for land owned by the Region of Lazio and the Municipality of Rome, which has been assigned via public selection<sup>30</sup>. Categories of legitimate tenure rights are clearly defined according to national law. Nonetheless, new assignments for public land management are often jeopardized or delayed because of the existence of either informal rights or illegal occupations, mainly due to gaps in the national/regional regulatory framework.

As far as informal rights for public lands are concerned, an example is the case of the co-operative farm “Agricoltura Nuova”. The members of this co-operative occupied the land in 1977 and, since 1995, they have been paying compensation fees to the Municipality of Rome, which owns the land they are still farming, even though its rights have not been formally recognized yet (through a legal leasehold contract). The lack of formal recognition notwithstanding, the farm benefits from public funds, including EU funding under the First Pillar of the CAP, and it is a best practice of multifunctional agriculture providing several services to society.

This case study exemplifies informal tenure as defined in the VGGT<sup>31</sup>. According to the Guidelines, “States should acknowledge informal tenure, respecting existing formal rights under national law and in ways that recognize the reality of the situation and promote social, economic and environmental well-being”. Moreover, “States should take all appropriate measures to limit the informal tenure that results from overly complex legal and administrative requirements for land use change and development on land. Development requirements and processes should be clear, simple and affordable to reduce the burden of compliance”. Therefore, measures aimed at legalizing existing informal rights should be further clarified and simplified, so as to reduce the burden of compliance, according to national and international laws.

On the other hand, provisions aimed at overcoming illegal occupations should be followed and put into practice. As pointed out by interviewees, particularly in peri-urban areas, informal grazing activities (especially for shepherds) is often used by powerful building contractors as a means for controlling public lands, so as to be guaranteed a kind of pre-emptive right for possible future investments in real estate. Legal warrants for leaving public lands are not always fulfilled when farmers or shepherds are illegally using them. This need to solve specific conflicts for land occupation emerged also in the interview with beneficiaries of ARSIAL. A long and unclear legal process needs to be followed to allow the beneficiary to commence the start up phase of his farm. These circumstances highlight the need to fill in gaps in the regulatory framework, also to empower institutional bodies in charge of the respect for legal tenure rights, as well as to make sure that impartial decisions are delivered promptly in these particular cases.

### 8.3 Common Property Regimes

***“Noting that there are publicly-owned land, fisheries and forests that are collectively used and managed (in some national contexts referred to as commons), States should, where applicable, recognize and protect such publicly-owned land, fisheries and forests and their related systems of collective use and management, including in processes of allocation by the State”.***

27% of the total surface area of the region is common property<sup>32</sup>. This area is collectively used and managed as commons, where customary rights (mainly grazing, livestock and wood production rights), which date back to medieval or to pontifical times, are preserved and formally recognized.

Collective land management is regulated by both national and regional laws<sup>33</sup> and it takes into account broader social, economic and environmental objectives. Tenure rights are recognized for citizens of

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<sup>30</sup> Customary rights for public lands are recognized only over commons. See later on in this paragraph.

<sup>31</sup> See Voluntary Guidelines of the Responsible Governance of Tenure, Part 3 – Legal recognition and allocation of tenure rights and duties, paragraph 10. Informal tenure, pp. 16-17

<sup>32</sup> See p. 60 G. Branca C.P. Pacifico, “Le terre collettive del Lazio” Quaderni di informazione socio-economica, UNITUS- Regione Lazio, 2005

<sup>33</sup> See, for instance, Regulation n° 1766 of the 16th of June 1927, which firstly rearranged commons at a national level; Legislative Decree n° 42 of the 22nd January 2004 codifying the management of cultural and landscape

local communities, so as to guarantee subsistence and, more generally, to improve the quality of life in rural areas.

Common property regimes are directly managed by local organizations of citizens and coordinated by the Regional Administration. The case of the *Allumiere Università Agraria*<sup>34</sup> rightly represents a good practice in collective use and management of land. With a total of 5,500 hectares of land stock used for sustainable agro-forestry systems: both communal livestock grazing and farming. Bearing in mind traditional principles and objectives of collectively used and managed lands, the organization guarantees an efficient use of the commons through innovative procedures and mechanisms aimed at fostering the active participation of citizens. In the past three years, for example, it has invited young farmers and unemployed citizens to deliver expressions of interest in promoting new types of uses for collective lands (i.e. horse-riding, horticulture, organic vineyards, olive tree groves, etc.). These initiatives allowed the association to increase the number of citizens benefitting from public land resources, to create new job opportunities, as well as to diversify agricultural activities (mainly livestock pastures and forestry) and production. Although they recognize this ancient origin of commons, most interviewees stress the need to update related legislation so as to match local communities' present needs.

#### **8.4 Availability of Up-to-date Land Tenure Information**

***“States should strive to establish up-to-date tenure information on land, fisheries and forests that they own or control by creating and maintaining accessible inventories. Such inventories should record the agencies responsible for administration as well as any legitimate tenure rights held by indigenous peoples and other communities with customary tenure systems and the private sector. Where possible, States should ensure that the publicly-held tenure rights are recorded together with tenure rights of indigenous peoples and other communities with customary tenure systems and the private sector in a single recording system, or are linked to them by a common framework.”***

A first attempt in this direction was made by the Municipality of Rome, which developed a geographic informative system (GIS) named MPIC<sup>35</sup>. This allowed for the mapping of all public municipal properties, as given by the Master Plan. This informative system, which can be consulted at municipal offices, shows the availability of public lands and relative rights, so as to enable the local administration to easily identify and assign tenure rights.

As for lands owned by the Region, ARSIAL provides information on available land tenures, despite the lack of accessible inventories or informative systems.

Case studies highlight the availability of up-to-date information at both a regional and municipal level. Nonetheless, to make public land management and monitoring more efficient, additional efforts should be made to link data on publicly-held tenures (either as state owned or common property) and lands owned by the private sector into a single recording system, or to organize them through a common framework, as stated in the VGGT.

#### **8.5 Procedure to Identify Lands and Related Conditions**

***“States should determine which of the land, fisheries and forests they own or control will be retained and used by the public sector, and which of these will be allocated for use by others and under what conditions.”***

Lands owned by the Region are registered in a public land register. ARSIAL has up-to-date information on lands, which are assigned via public procedures. In the call-for-proposal framework published by ARSIAL in 2014, lands to be assigned were identified according to specific criteria, such as, for example, the presence of basic infrastructure (i.e. direct access to main roads) or water

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resources; Regional law n°1 of the 3<sup>rd</sup> of January 1986 laying down provisions on town planning, including alienation and compensations relating to commons.

<sup>34</sup> See <http://www.uniagraria.com/>

<sup>35</sup> See [http://www.comune.roma.it/wps/portal/pcr?jppagecode=cod\\_conservat.wp](http://www.comune.roma.it/wps/portal/pcr?jppagecode=cod_conservat.wp)

availability. Conditions for using the lands were then drawn into a MoU between the Region and the beneficiary.

As far as the collective management of lands is concerned, the Regional Authority on Commons is entitled to collect information and supervise the management of communal lands, the use of which is decided through provisions issued by the Region. When collective management is delegated to other public bodies (such as Municipalities or *Università Agrarie*), the management is shared with the Regional Administration and is regulated by its own statutes. In the opinion of interviewees, new land tenures could be identified by the regional commissioner, who currently fulfills the role of solving tenure valuation, settlements and dissolution disputes, as foreseen by Law n° 1766 of the 16th of June 1927.

As for land owned by the Municipality of Rome, land plots assigned in the framework of the project “*Roma, città da coltivare*” were identified through the GIS developed by the local Administration, with tenure rights regulated by an “agrarian contract” between the Municipality and the beneficiary. The criteria to assign the land to private entities include, among other things, public use. The cooperative “Co.r.ag.gio”, as an example, proposed to create an “agriculture park” where beneficiaries could promote initiatives with social purposes, following models already carried out in other regions, such as: urban gardens, leisure parks, bicycle and walking paths, information offices, field trips for schools, picnics and dog areas.

Nonetheless, it is worth stressing the difficulty met by the Regional and Municipal Administrations in finding available land to use for social, environmental and economic purposes, due to the persistence of illegal land occupation, along with the lack of a common framework allowing for a prompt and equitable acknowledgment of informal rights.

#### **8.6 promotion of Fair Distribution of Benefits**

***“States should develop and publicize policies covering the use and control of land, fisheries and forests that are retained by the public sector and should strive to develop policies that promote equitable distribution of benefits from State-owned land, fisheries and forests. Policies should take into account the tenure rights of others and anyone who could be affected should be included in the consultation process consistent with the principles of consultation and participation of these Guidelines. The administration of, and transactions concerning, these resources should be undertaken in an effective, transparent and accountable manner in fulfilment of public policies.”***

Calls for proposals published by ARSIAL and the Municipality of Rome had the specific twofold objective of promoting equitable access to publicly owned tenures, as well as fostering new employment and economic opportunities.

In both cases, representatives of farmers’ associations and relevant stakeholders were involved in designing the policies, as well as underpinning calls for proposals and publicizing them.

More specifically, in the framework of “*Roma, città da coltivare*”, the Municipality actively involved the local CSO and CBO network named *Coordinamento romano per l’accesso alla terra*, which promoted campaigns aimed at providing fair access and a sustainable use of public agricultural lands so as to protect them from transforming into urban areas.

Furthermore, assignments were made via public procedures that were able to guarantee an effective, transparent and accountable selection.

As for collectively used public lands, the management and control of commons is based on the respect for customary rights, taking into great account broader principles and social goals. Initiatives promoted by the *Allumiere Università Agraria* are regulated by its own statute, which strives to enhance agriculture, livestock and forestry, to create new job opportunities and to protect the environment through the adoption of an organic agro-forestry system. The organization decides to collect expressions of interest for assigning part of the land stock in a participative and transparent way, also meeting local community needs.



### **8.7 Allocation of Tenure Rights to Others and Delegation of responsibilities**

***“States should develop and publicize policies covering the allocation of tenure rights to others and, where appropriate, the delegation of responsibilities for tenure governance. Policies for allocation of tenure rights should be consistent with broader social, economic and environmental objectives. Local communities that have traditionally used the land, fisheries and forests should receive due consideration in the reallocation of tenure rights. Policies should take into account the tenure rights of others and anyone who could be affected should be included in the consultation, participation and decision-making processes. Such policies should ensure that the allocation of tenure rights does not threaten the livelihoods of people by depriving them of their legitimate access to these resources. Policies covering the allocation of tenure rights to others and delegation of responsibilities.”***

The call for proposals published in 2014 in the Rome Municipality and Lazio Region represents an interesting practice for the allocation of land tenure rights to others. The possibility for the local POs to include specific requirements to be addressed by participants increases the possibility that the selected proposals will be consistent with broader social, economic and environmental objectives defined by the POs. The process of ‘call for proposals’ is also the one suggested in Italy by the association ‘Libera’ to reallocate the use of land confiscated to mafia by the State to guarantee their social use.

This includes other broad areas for agricultural use of great environmental value that take into account the tenure rights of those who could be affected by the reallocation of land tenure rights in a local context. The process of a local public ‘call for proposals’ is also the one recommended for Italy by the association ‘Libera’, so as to reallocate the use of land confiscated from the mafia by the State to guarantee its social use.

The call for proposals promoted by ARSIAL exemplifies the requirements for participating in the selection as well as the selection criteria identified when taking into account project objectives and expected results. The call foresaw: a maximum of 35 points to be assigned according to the quality of the business plan; up to 20 points according to beneficial experiences in the field; up to 10 points for the expected social/environmental impacts; 25 points for the presence of young farmers under 40 years of age; 10 points for the presence of women. Young farmers not recognized as professionals had 30 days from land assignment to register with the Chamber of Commerce<sup>36</sup>.

Likewise, the project “*Roma, città da coltivare*” followed the principles of transparency and fairness with the aim of selecting the most efficient operations and the most reliable partnerships. Selection criteria included assets such as: being a first agricultural settlement, practicing organic agriculture, developing social or educational activities, producing renewable energies, and employing additional people<sup>37</sup>.

Nevertheless, other interviews highlighted how the allocation of public tenure rights through these calls for proposals were still insufficient to take advantage of the land’s potential, both for economic and social purposes. To this end, a useful instrument could be represented by the creation of a Land Bank aimed at matching agricultural demand and supply. It has been suggested that “the Bank might be managed by a public body supervising both private and public lands”<sup>38</sup>. This could contribute to making the practice of reallocation of tenure rights more structured.

### **8.8 Forms to Allocate Land Tenure and Support Given to Enjoy their Rights**

***“States have the power to allocate tenure rights in various forms, from limited use to full ownership. Policies should recognize the range of tenure rights and right holders.”***

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<sup>36</sup> Please refer to the call for proposal Article 4.2 “*Selection criteria of the beneficiaries*”.

<sup>37</sup> See article 6 of the call for proposal “*Awarding criteria*”

<sup>38</sup> Also the VGGT in article 11.2 emphasizes this aspect “*Where appropriate, States may consider the establishment of land banks as a part of land consolidation programmes to acquire and temporarily hold land parcels until they are allocated to beneficiaries*”.



***Policies should specify the means of allocation of rights, such as allocation based on historical use or other means. Where necessary, those who are allocated tenure rights should be provided with support so they can enjoy their rights. States should determine whether they retain any form of control over land, fisheries and forests that have been allocated.”***

Land tenure agreements are regulated through contracts, or MoU, between the Administration owning the land and beneficiaries for the whole duration of project activities. The feasibility of suspending land tenure rights by the PO is strongly present in the contract, as stated by the ARSIAL Beneficiary.

The public procedure promoted by ARSIAL foresaw direct cash support for investments of less than 20,000 Euros per plot, so as to make the area accessible for farming. In addition, also guaranteeing funds to foster further investments in the same areas, a sum of 500,000 Euros is used as a guarantee fund for extra loans. ARSIAL will then be allowed to either renew contracts for an additional 15 years, or to revoke tenure rights before contract deadlines for institutional reasons. In the latter case, withdrawal will have to be notified to beneficiaries within six-months.

In the context of the “*Roma città da coltivare*” project, the tenure rights are regulated by an “Agrarian Contract” between the Municipality and the beneficiary. The Contract includes, among other things, provisions on time scheduling and on possible variations regarding land use as well as conditions leading to the suspension of tenure rights. At the same time, the Municipality intends to support beneficiaries also by partially renovating municipal farmhouses placed in the areas and by promoting agricultural products’ commercialization at municipal farmers’ markets. In the framework of the Municipality of Rome, the Town Plan foresees the creation of an “agricultural parks area” enabling farms to promote additional activities with social and environmental objectives.

As for commons, tenure rights are allocated taking into account the general objective of safeguarding social, economic and environmental objectives. When tenure management is delegated to local organizations, the Regional Administration supervises and assesses their internal regulations, while always preserving local community rights. In the case of the *Allumiere Università Agraria*, once tenures are assigned through public selection, the organization takes care of possible lands and forest improvements (i.e. water supply, pruning, fences, etc.). The organization also transfers part of the European Funds it has access to (agri-environmental commitments, animal welfare, income forgone related to the obstruction of agricultural production in mountain areas) to beneficiaries to further support their economic activities.

### ***8.9 Procedures for Recording Tenure Rights***

***“States should allocate tenure rights and delegate tenure governance in transparent, participatory ways, using simple procedures that are clear, accessible and understandable to all, especially to indigenous peoples and other communities with customary tenure systems. Information in applicable languages should be provided to all potential participants, including through gender-sensitive messages. Where possible, States should ensure that newly allocated tenure rights are recorded with other tenure rights in a single recording system, or are linked by a common framework. States and non-state actors should further endeavour to prevent corruption in the allocation of tenure rights. Procedures for recording tenure rights.”***

Case studies highlight the capacity of Regional and Municipal administrations to allocate tenure rights and to define an innovative system for tenure governance in a transparent and participatory manner. Both institutions had recourse to public procedures aimed at selecting the most efficient and sustainable projects according to objective selection criteria.

Both initiatives were publicized through institutional websites and promoted by public officials and CSOs /CBOs guaranteeing well-informed participation by potential beneficiaries as witnessed by the high number of applications delivered (about 300 in response to the regional call and more than 100 for the one promoted by the Municipality of Rome). This huge amount of requests, compared to the limited offer (only 11 plots have been awarded) gives an idea of the broad consensus achieved by the public calls. It also highlights the increasing interest in these types of opportunities by citizens.

The two calls for proposals represented a first attempt, by both administrations, to re-organize the public land they own. The agricultural land awarded is only 400 hectares, which is a small percentage of the entire area owned by public institutions. For this reason this experience must be intended as first step of a long term process which aims to redefine the role and the manner of accessing public land.

Similar initiatives have to be welcomed so as to further prevent corruption in the allocation of tenure rights. Nonetheless, further efforts should be made to ensure that newly allocated lands will be recorded with other tenure rights in a single recording system or common framework, with the aim to harmonize and better monitor land management outcomes.

### **8.10 Competent Bodies**

***“To the extent that resources permit, States should ensure that competent bodies responsible for land, fisheries and forests have the human, physical, financial and other forms of capacity. Where responsibilities for tenure governance are delegated, the recipients should receive training and other support so they can perform those responsibilities.”***

The competent body in charge of managing commons in the Region is the Office of Land Property. Delegated functions are performed by local public organizations/entities and are regulated by their own statutes. The *Allumiere Università Agraria*, for instance, can count on a staff of 4 full-time employees, who efficiently manage duties relating to the use of communal lands.

As for the Municipality of Rome, the Administration has recently opened an *ad hoc* office responsible for managing the “*Roma città da coltivare*” project at the Department of Property and Environment. The office, managed by two employees, is responsible for programming, implementing and monitoring initiatives dealing with public tenure rights.

Everything considered, the bodies for public land management have competent staff supervising public land management, in line with available resources. On the other hand, increased communication regarding competent bodies’ representatives and functions should be encouraged among beneficiaries, since some of the interviewees do not interact with any contact office or person. This would enable more effective support for beneficiaries and a more efficient monitoring of public land management.

### **8.11 Monitoring Systems**

***“States should monitor the outcome of allocation programmes, including the gender-differentiated impacts on food security and poverty eradication as well as their impacts on social, economic and environmental objectives, and introduce corrective measures as required.”***

Case studies highlight the lack of an efficient monitoring system for verifying and assessing the allocation programs’ gradual achievements. As for projects funded within the framework of the call for proposal promoted by ARSIAL, related outcomes will be monitored by beneficiaries themselves while the Regional Agency will supervise the overall proper and efficient development of the proposed activities, but no references to a monitoring system have been made. As far as commons are concerned, in the case of the *Allumiere Università Agraria*, monitoring on the collective use of lands is performed regularly.

In the framework of the “*Roma, città da coltivare*” project, monitoring provisions will be taken during 2015, when it is expected to publish another call for proposals aimed at supporting start-ups.

The various ways of monitoring allocation programs’ results show the need for a new and efficient monitoring system that allows for a regular and homogeneous control of land management throughout the region. To this end, a common framework should be drafted so as to enable local administrations to monitor lands under their jurisdictions in a comparable way. Such a system should enable the monitoring of programs/projects’ impacts on social, economic and environmental objectives, also taking into account gender-differentiated impacts, with the aim of eventually introducing possible corrective measures.

## Policy Recommendations

The table below discusses some major recommendations resulting from the research carried out in order to respect VGGT requirements.

**Table 5 Actions to be undertaken for compliance with the VGGT statement**

N°	ISSUE	POLICY RECOMMENDATIONS
8.1	<b>Strategic social, environmental and economic objectives for public lands</b>	There is a need for defining a new legal framework for the management and use of publicly owned land and commons; at a national and regional level, in order to take into account emerging needs.
8.2	<b>Recognition of traditional and customary tenure rights</b>	The process of legalization should be accelerated, according to regional and national rules; thus securing tenure rights and supporting farmers in their improvement in social and economic activities on public owned areas. The implementation of legal warrants for leaving public land should be respected.
8.3	<b>Area used collectively, common property regimes</b>	Updating related legal framework, so as to match evolving local community needs.
8.4	<b>Availability of up-to-date land tenure information</b>	Promote the creation of a single recording system, accessible on-line, with data on publicly held tenure (either as state owned or common property) and lands owned by the private sector.
8.5	<b>Procedures for identifying lands and related conditions</b>	A clear assessment of the land belonging to public institutions should be carried out. There is a need to regularize illegal land occupations.
8.6	<b>Promotion of fair distribution of benefits</b>	Enlarge the mechanism to assign the use of public land through a call for proposals to all properties
8.7	<b>Allocation of tenure rights to others and delegation of responsibilities</b>	Support the creation of a Land Bank, aiming at matching demand and supply, through the direct involvement of local authorities and relevant stakeholders.
8.8	<b>Forms to allocate land tenure and support given to enjoy their rights</b>	Allocated tenure rights should be regulated through contracts/agreements between the public authority owning the lands and beneficiaries, also allowing for methods and parameters to monitor land management outcomes.
8.9	<b>Procedures for recording tenure rights</b>	Further efforts should be made to make sure that newly allocated lands be recorded with other tenure rights in a single recording system, with the aim of better monitoring land management outcomes.
8.10	<b>Competent bodies</b>	Clear institutional communication about competent bodies and functions should be carried out among relevant stakeholders and the general public.
8.11	<b>Monitoring systems</b>	A need for an efficient monitoring system enabling a regular and homogeneous assessment of social, environmental and economic impacts of public land management throughout the region.

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## Annex 1 – Analysis Tool

Interviews with relevant stakeholders were based on a series of questions aimed at deepening strategic features of public tenure rights management as highlighted in the VGGT. More specifically, the interviews intended to verify how far public land management at the local level could differ from the principles and objectives stated in the Guidelines.

The following Table shows the questions made to stakeholders who were interviewed for this study. Such a grid is meant to be an useful tool for future analysis to be repeated in a variety of contexts.

As shown below, questions were organized by theme dealt with in the Guidelines, also showcasing specific references from the VGGT.

**Table 6 Questions connected with the VGGT statement**

Theme	Reference in the VGGT	Question
Strategic social, environmental and economic objectives for public lands	8.1	Which social, environmental and economic objective does your Organization pursue through the given modalities to use and control public land stock? <i>Please specify possible references to national or international legislative frameworks.</i>
		Which measures have been put into practice for addressing the use and control of public land stocks? <i>Please specify eligibility and selection criteria adopted to allocate public tenures.</i>
Traditional and customary tenure rights	8.2	Are traditional or customary rights recognized in lands owned by your Organization? <i>(For instance, grazing, livestock, wood production, etc.)</i>
		In cases where traditional and customary rights bind on public lands, through which means are they recognized and protected? What kind of agreement links your Organization with the beneficiary of those traditional and customary rights?
Collectively used public lands	8.3	Does the Organization own collectively used lands (commons)? If yes, what kind of measures have been taken to recognize and guarantee the right to collectively use them?
Up-to-date of land tenure information	8.4	Is there an inventory of publicly owned lands (including commons)? If not, how does your Organization gather information and what are the limits (in terms of data availability and economic resources) of the methodologies currently used to collect data?
		Are there databases at a central level needing information at a local level? If yes, through which modalities?
Procedures to identify lands and related conditions	8.5	How were public lands identified (both direct and delegated management)?
		In the case of delegated management: <ul style="list-style-type: none"> <li>Do public lands have to be used for public purposes?</li> <li>What kind of conditions and eligibility criteria were adopted in the selection of a final beneficiary?</li> </ul>
Fair distribution of benefits	8.6	What types of strategies underpin public land management (in cases of direct or delegated management)?
		How are modalities adopted to distribute land benefits publicized?
		Has civil society been involved in the definition of the equitable distribution of benefits deriving from public land management?
Allocation of tenure rights and delegation of responsibilities	8.7	What kind of policy underpins the allocation of public tenure rights? (Both direct or delegated use and management)
		How do the identified policies enable the achievements of social, environmental and economic purposes highlighted in point 8.1?
		How is collectively used and managed land dealt with in the above-mentioned policies?

		Has civil society been involved in the definition of modalities to distribute public tenure rights?
<b>Forms to allocate land tenure and related support</b>	8.8	How is public control over public lands managed by private entities guaranteed? <i>Please specify modalities for each kind of private entity</i>
		What types of measures are taken to support private actors managing public land (i.e. non-repayable funds, loans for start-ups, etc.)?
<b>Procedures for recording tenure rights</b>	8.9	What types of procedures have been adopted to guarantee a transparent, equitable and comprehensible allocation of public tenure rights?
		What kind of precautionary measures have been adopted to prevent corruption in the allocation of public tenure rights?
<b>Competent bodies</b>	8.10	Is there a competent body in your Organization responsible for managing public land stock? If so, what kind of criticalities does it face (i.e. lack of resources, formative needs, etc.)?
<b>Monitoring systems</b>	8.11	Is there any monitoring system controlling the proper management of public lands by private entities?
		What types of measures/tools are needed to assess the achievements of the social, environmental and economic objectives stated in point 8.1?
		Is there any chance of introducing possible corrective measures?